

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2020/60/92546/W

Site Address: Land off, Blackmoorfoot Road and Felks Street,
Crosland Moor, Huddersfield, HD4 7AD

Description: Outline application (with details of points of access only) for the development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors surgery of up to 350 sq m (Use Class D1); up to 500 sq m of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works.

Recommending Officer: Kate Mansell

**DECISION – Grant outline planning permission with Section 106
Obligation**

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 25-Mar-2022

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Crosland Moor and Netherton Ward

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Affordable housing – 20% provision with a tenure split of 55% social or affordable rent to 45% intermediate housing unless otherwise agreed at Reserved Matters stage;
2. Open space – On-site provision to be assessed at Reserved Matters stage and to include any off-site contribution to address shortfalls in specific open space typologies.
3. Education – Contribution of up to £1,312,000 based on 770 dwellings to be spent on upon priority admission area schools within the geographical vicinity of this site to be determined at Reserved Matters stage. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.
4. Highway Improvements - Up to £552,980 towards the Longroyd Bridge Junction Improvement scheme – based on 770 dwellings.

5. Sustainable transport – Measures to the value of £397,000 to encourage the use of sustainable modes of transport, implementation of a Travel Plan and £15,000 towards Travel Plan monitoring – based on 770 dwellings as well as the provision of 2 new bus shelters within the vicinity of the site with Real Time information displays (23K per stop) and the potential to include for 2 bus stop poles within the site at Reserved Matters stage (£500 per stop).

6. Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

7. Bio-diversity – Contribution (amount to be confirmed) towards off-site measures to achieve bio-diversity net gain in the event that it cannot be delivered on site.

8. Air Quality – Contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.

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

1.0 INTRODUCTION:

1.1 This application seeks outline planning permission for the residential development of this allocated Local Plan housing site for up to 770 dwellings (including up to 70 care apartments), as well as capacity to provide a doctors surgery of up to 350m² and up to 500m² of 'town centre' type (retail, food and drink, community use etc.). It is submitted with all matters except access into the site reserved for future consideration. It is brought to this Strategic Committee because it proposes more than 60 residential units, in accordance with the Council's Scheme of Delegation.

1.2 Members may recall that a previous application at the Black Cat site (2018/90748) was considered and refused by the Strategic Committee of 1st August 2019. This application was also submitted in outline to consider means of access into the site only. It proposed up to 630 dwellings, up to 70 care apartments (700 in total) as well as capacity for a doctors surgery of up to 350m² and up to 500m² of 'town centre' type uses. The application was refused for the following reason:

'The Kirklees Spatial Strategy detailed in the Kirklees Local Plan seeks to provide new homes which meet the needs of the community. There is an identified and justified need for the provision of affordable housing within Kirklees which this scheme fails to sufficiently provide for. Policy LP5 requires masterplans to make efficient use of land through appropriate densities and also provide a mix of houses that address the range of local needs. The indicative masterplan does not achieve these policy outcomes. Policy LP7 of the Kirklees Local Plan requires the effective use of land and the new developments should achieve a density of 35 per ha where appropriate. This application does not achieve this level of density and as a consequence also fails to deliver the required contributions towards affordable housing or education provision, thus in addition to being contrary to Policy LP7 it is also contrary to Policies LP4, LP5 and LP11 of the Kirklees Local Plan.'

- 1.3 This outline proposal seeks an additional 70 units from that previously proposed and it would be policy compliant as set out in the report below.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site lies approximately 3.5k to the south west of Huddersfield town centre within the Crosland Hill district. In its entirety, the red line boundary extends to 29.3 hectares. It is broadly bounded by Blackmoorfoot Road to the south and the curtilage of businesses and dwellings on Mason Court and Crosland Hill Road to the east. This includes a Grade II Listed farm complex at the Grade II* Listed Crosland Hall and the Grade II Listed properties at 67, 69 and 69a Crosland Hill Road. Felks Stile Road lies to the west, beyond which is open land within Crosland Heath Golf Club. To the northern boundary is open land extending to approximately 12.2 hectares within the Green Belt, which is partly within the ownership of the applicant. A public footpath (HUD/234/80) runs along this northern edge.
- 2.2 It is an extensive plot that presently comprises a large number of storage sheds, hardstanding and internal roads that are spaced centrally on the land. It is presently used mainly for the storage of explosives, and provides employment for approximately 20-25 people. Vehicular and pedestrian access is from Blackmoorfoot Road via Standard Drive, which also serves a number of (vacant) dwellings (associated with the premises) and the reception/ office area.
- 2.3 The western edge of the site is generally open grassland with the boundary formed by dry stone walls. This reflects the more rural character of the area to the west, on the opposite side of Felks Stile Road. There are also a significant number of trees on the perimeter and across the site. A further feature of the land is its topography. It varies across the plot due to natural gradients, old quarry sites and the man-made platforms constructed as part of the fireworks factory. There is a fall in levels of approximately 50 meters from west to east.

2.4 The character of the surrounding area is mixed. To the east and south-east, there are commercial properties along Blackmoorfoot Road including the caravan storage site and Johnsons Wellfield Quarries Ltd. The remaining context is largely residential comprising a range of house types, forms and materials. The latter includes mainly natural stone on Crosland Hill to artificial stone on Mason Court. In addition to the Golf Club, the north and west of the site retains its rural character and the site essentially represents a transition from the more urban and established form of development to the east to the more open landscape to the west.

3.0 PROPOSAL:

3.1 This application seeks outline planning permission for the development of the site for up to 770 dwellings, including up to 70 care apartments. It also includes the potential to provide a doctor's surgery of up to 350m² as well as a small unit (or several small units) of up to 500m². This could be used for a potential variety of centre type uses, including retail (Use Class A1) financial and process services (A2); food and drink (Use Class A3), drinking establishments (Use Class A4), a hot food take-away (Use Class A5) or a non-residential institution (Use Class D1) – or a combination of these.

3.2 The application is submitted with all matters except access into the site reserved. The Town and Country Planning (Development Management Procedure) Order 2015 (Article 2) defines access as the following:

'Accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.

This application therefore seeks to consider the principle of residential development and the means of access only. For the purpose of this application, it relates to the means of access into the site and not 'within' it. Matters of the layout of the site, the appearance of future buildings, their scale and the landscaping of the site are all reserved for subsequent approval. They would be submitted through a future Reserved Matters application(s).

3.3 The primary means of access into the site would be taken from Blackmoorfoot Road. It would be sited approximately 70 metres to the south-west of the existing access point along Standard Drive and approximately 280 metres to the east of the Blackmoorfoot Road/Felks Stile Road junction. This new access onto Blackmoorfoot Road would be provided in the form of a priority controlled junction. It would be a 6.75 metre wide carriageway with a cycleway and 2 metre footways on either side.

3.4 To accommodate the volume of traffic movements turning into the site, the proposal would include the provision of a right turning lane on

Blackmoorfoot Road. This would require the widening of the Blackmoorfoot Road carriageway along the site frontage.

- 3.5 A second access would be provided onto Felks Stile Road. This would also be a standard priority controlled junction. It would be constructed as a 5.5 metre wide carriageway with 2 metre footways on either side.
- 3.6 Means of access for pedestrians and cyclists would be provided at both of the vehicular access points, in the form of pedestrian footways, dropped kerbs and tactile paving. The pedestrian facilities at the Blackmoorfoot Road site access junction will link with the existing pedestrian footway on Blackmoorfoot Road. A further pedestrian link would be provided on the eastern boundary of the site to create an access to the nearby village of Cowersley.
- 3.7 Whilst submitted in outline, the applicant has provided an indicative layout, which is purely illustrative and would not form an approved plan. It principally shows a series of looped internal roads from the main access points. Such an arrangement would produce a number of development parcels within the site and allow the new residential units to be laid out in an appropriate form, with back-to-back gardens. Towards the boundaries, cul-de-sacs are shown, providing a softer composition of houses. Across the site, the layout indicates a mix of terraces, semi-detached and detached properties.
- 3.8 The illustrative plan also shows the provision of the local centre situated close to the site entrance and the care home facility in the south-west corner of the site, close to the junction of Blackmoorfoot Road and Felks Stile Road. Two primary green spaces are indicated. The largest would be along the northern boundary, within the part of the site that is Green Belt. A further open area is shown on the eastern edge of the site to form of buffer between the development and the Crosland Hill Farm listed buildings.
- 3.9 This layout plan has been supplemented by a revised Design and Access Statement, developed in the course of the planning application process to provide an element of certainty in respect of the quality and form of development at Reserved Matters stage. It includes a series of parameter plans and guidance covering a range of issues that will influence the future layout, the appearance of buildings, their scale and the landscaping of the site. These include an access and movement strategy, green infrastructure, building heights, indicative densities and principles relating to character and appearance and the development of character areas within the site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The most relevant planning history is summarised below:

2018/90748: Outline application for the development of up to 630 residential dwellings (Use Class C3), up to 70 care apartments with doctors surgery of up to 350m² (Use Classes C2/C3/D1), up to 500 m² of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works.

Refused: 14th August 2019.

Prior to this application being refused, a position statement on the application had been presented to the Strategic Committee on January 3rd 2019. Progress on all aspects of the application was reported and any Member views or questions were sought. The application was accompanied by a Viability Appraisal at that time and the level of financial contribution offered was £630,000 (based upon £1,000 per market dwelling). This level of contribution was significantly below a policy compliant scheme. The Committee expressed the view that such a level of contribution, which provided for no affordable housing, was not sufficient and that further negotiation was required to address this issue.

Pre-app: 2017/20381. This pre- application enquiry proposed the use of this site for up to 700 dwellings, with access taken off Blackmoorfoot Road and Felks Stile Road, and a 500m² retail unit in the south-east corner of the site. It was considered by the Strategic Committee on 11th January 2018. The Committee also undertook a site visit at that time. Members were supportive of the principle of a residential scheme across this site and of the need for the Council to deliver additional housing. There were positive comments about the opportunity to deliver innovative design and energy efficiency solutions on the site. An initial masterplan for the entire site was presented and the masterplanning process explained and the reaction to the masterplan and the process was positive. There was a concern that the development should be satisfactorily accessed from the neighbouring road network. A pre-application public consultation exercise with the local community and Ward Councillor subsequently took place in January 2018.

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

- 5.1 Extensive negotiations have taken place between the applicant and Highways on the adequacy of the strategic network and any mitigation that may be deliverable. (This is set out in the Highways section of this report).
- 5.2 Negotiations have also taken place regarding the drainage solution on the site, and this will be appropriately conditioned.
- 5.3 The Design and Access Statement has been revised in the course of the application to provide additional guidance for any future Reserved Matters application.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless materials considerations indicate otherwise. The Statutory Development Plan for Kirklees is the Kirklees Local Plan (adopted 27th February 2019).

Kirklees Local Plan

- 6.2 The site is allocated for housing within the Local Plan (HS23) with an indicative capacity of 684 dwellings with the potential for a further 16 beyond the plan period (700 in total).
- 6.3 The following policies within the Local Plan are most relevant to the determination of this application:

- LP3 Location of new development
- LP5 Masterplanning of sites
- LP7 Efficient use of land and buildings
- LP8 Safeguarding employment land and premises
- LP11 Housing mix and affordable housing
- LP13 Town Centre Uses
- LP20 Sustainable travel
- LP21 Highways safety and access
- LP22 Parking
- LP24 Design
- LP27 Flood Risk
- LP28 Drainage
- LP30 Biodiversity and geodiversity
- LP32 Landscape
- LP33 Trees
- LP38 Minerals safeguarding
- LP49 Education and Health care needs
- LP51 Protection and improvement of local air quality
- LP53 Contaminated and unstable land
- LP63 New Open Space
- LP65 Housing Allocations

Supplementary Planning Guidance/Documents

- 6.4 The most relevant SPG/SPD document is the following:

Highways Design Guide SPD (2019)
Kirklees Interim Affordable Housing Policy (2020)
Providing for Education Needs Generated by New Housing (2012)

- 6.5 A draft Housebuilder Design Guide SPD and Open Space SPD were published by the Council in 2020 as part of the 'Quality Places' consultation. These have undergone public consultation but have not yet

been adopted. However, their content is consistent with the policies and objectives of the Kirklees Local Plan and it is therefore considered that modest weight can be attached to them at this stage. A Biodiversity Net Gain Technical Advice Note was published at the same time and was also subject to public consultation. It is yet to be adopted but it provides guidance on how Biodiversity Net Gain should be achieved by development within Kirklees in the intervening period before the introduction of the Environment Bill.

National Planning Guidance

- 6.6 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. The following sections of the National Planning Policy Framework (NPPF) are most relevant to the consideration of this application:

Chapter 7: Requiring good design

Chapter 9: Promoting sustainable transport

Chapter 11: Conserving and enhancing the natural environment

- 6.7 The following national guidance is also relevant:

National Design Guide (2019) - The National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. It will be more relevant at Reserved Matters stage having regard to layout, appearance, scale and landscaping.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised as a major development in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) by means of site notices and a press notice in the Huddersfield Examiner (28 August 2020). It was also advertised by means of direct neighbour notification letters that were sent on 17 August 2020.

- 7.2 A total of 56 representations have been received objecting to the application.

- 7.3 The following is a summary of the points raised. It is not a complete replication of the responses, which can be viewed in full on the Council's website at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92546>

Highways

- The siting of the entrance will not be suitable. Blackmoorfoot Road is a 30mph speed limited road until a point beyond the left turn onto Sands House Lane. It then changes to a 40mph thereafter. The speed limit is seldom adhered to with speeds in excess of the national speed limit. A more suitable and safer solution would be a roundabout, which would be offset to the Sands House Lane junction and Blackmoorfoot Road;
- The top part of Blackmoorfoot Road and Felks Stile Road are not designed for high volumes of traffic. They are very narrow in parts and only enough for 2 cars to pass i.e. no pavements or parked cars;
- The traffic numbers quoted are from 2017. This is over 3 years old and traffic has got busier each year on Blackmoorfoot Road. Therefore, these figures are not reliable;
- The Traffic numbers do not take in to account that most of Blackmoorfoot Road does not have any road restrictions (e.g. yellow lines, etc.) and therefore a lot of traffic is parked on either side of the road. This does cause congestion as this reduces the road to one lane of traffic;
- The only main bus route is currently the 328 and this only goes as far up as Balmoral Avenue. This is a single decker bus service run by First. The 389 & 393 services mentioned in the planning details are the smaller Stott buses which probably hold no more than 20 people and run infrequently. The 328 bus turns down Balmoral Avenue so how will people without a car (especially older people) manage to get another quarter/half a mile or so up to the estate. The 393 mini bus will pass the estate but only carries approximately 20-30 passengers and only runs mon-sat 9-5pm no buses on an evening, bank holidays and Sundays;
- Need to enable and encourage active travel by future residents to minimise car usage and promote healthy lifestyles;
- Additional traffic on Blackmoorfoot Road generated by this development and at the former St. Lukes hospital site will be subject to increasing delays, particularly at the Manchester Road junction and at Longroyd Bridge, and the roadside environment for residents, pedestrians and shoppers, already of poor quality, will further deteriorate;
- The main pedestrian/cycling spine route across the site should be linked to Quarry Road, Crosland Hill Road and Tom Lane, and this should be a designated route, with an appropriate crossing at Dryclough Road, the route to two schools;
- The development should include a high quality pedestrian/cycle path within the northern boundary of the site to link with Felks Stile Road,

also an important route to Colne Valley High School and primary schools in Linthwaite;

- The site layout should enable bus penetration;
- Some form of traffic calming needs to be put in place;
- The applicant should provide a more suitable method of entrance to the site as given the nature of the road when viewed from the Crosland hill road junction;
- The application includes inaccuracies and fails to mention the Methodist church were the consultation events were held is now earmarked for development and that in the LDP Lowdham leisure is allocated for housing circa 148 homes and land on Thewlis lane is allocated for 450 homes ,all of which will place a burden on a road;
- Many of the roads in the Colne valley and surrounding areas are not suited to increased traffic volumes, especially Milnsbridge and Longroyd Bridge. Why is increased traffic volume never addressed in large plans such as this?
- Increasing traffic on this very small road will Inevitably increase the chance of an accidents, bottlenecks, road rage and jams. As such it will have a detrimental impact on property values and our quality of life - the road simply isn't fit for purpose for the current traffic volume, let alone 'any' potential increase of this nature;
- Blackmoorfoot Road and Felks Stile Road were not designed for high volumes of traffic. They are very narrow in parts and only wide enough for 2 cars to pass i.e. no pavements or parked cars. Building 770 houses will increase the volume of traffic in both directions on these roads. Will the developer be widening the roads and adding street lighting and pavements?
- There is no adequate public transport servicing this site, with the nearest bus stop at least a 15 minute walk away. This is not accessible for those with mobility issues, and will encourage residents to use cars;
- The approved St Luke's and Netherton Moor Road sites will see over 1200 additional cars on the road, between them. With an additional 700 homes and 70 care homes, taking into consideration staff and visitors, there is potential for this number to increase by a further 1,450, or 2 cars per dwelling. In this small area of just a few square miles, this will see approximately 2500 additional vehicles on the road. Not only will this lead to severe traffic problems, but will significantly increase emissions within the local area, and Huddersfield as a whole;

- Parking between Dryclough Road and Balmoral Avenue junctions can be impassable at times which would be made worse by adding to the traffic system. Cars are already parking on pavements in a way that causes parents with prams or wheelchair users to have to move onto the busy roads to get past;
- A requirement to upgrade facilities for walking and cycling would be required to facilitate greater uptake of active travel. With safer walking and cycling facilities on local roads and footpaths, residents will be able to access shops and services and the town centre without a car.

Design

- It is imperative that the correct stipulations are made regarding materials to be used; St Luke's Hospital site are building new houses in brick in a predominantly stone built housing area;
- All dwellings should be carbon neutral.

General

- The plans include too many houses especially affordable homes. This will turn this part of Crosland Hill into a huge housing estate;
- The area is semi-rural and should remain that way;
- The Crosland Hill area would be changed from a small hamlet to a high urban area with a higher footfall;
- Reduced property values in the area;
- If plans are passed and then work is then divided amongst several house builders what controls will the Council put in place to ensure the original plans are maintained;
- Crosland Hill is a semi-rural area and attracts a number of people, particularly dog walkers and walkers in general. I feel that the plans will turn Crosland Hill into a massive housing estate which will remove the natural beauty of the area and stop people coming;
- A report on the proposed works suggests that vibro compaction will be used on the site. This can have serious impact on foundations of neighbouring properties;
- The building of the site on the former St Luke's Hospital is already going to introduce a further influx of families which will be impacting on the highways, need to access healthcare services and need school places so the allow a further 770 houses to be built in such

close proximity will have a major detrimental impact to residents of Crosland Moor/Crosland Hill.

- Support some level of housing on this site, however the number of houses planned for this area seems extortionate, when taking into consideration the local infrastructure in this area;
- A reduced number of homes on this site, made largely of affordable homes, would be much more beneficial for the area, and I am sure would be more acceptable to local residents, many of whom are not opposed to new homes, just not in a way which will impact on the local area in quite such a devastating way. A smaller number of dwellings will also cause less destruction of the high-value habitats, and is less likely to impact on existing houses which border the proposed site;
- A not for profit community waste company proposes the introduction of community waste and recycling facilities as a prerequisite for this site of 770 dwellings. Communal containers, located conveniently to serve clusters of 4 - 8 dwellings could be planned for the collection of three streams at least: source separated recyclable materials (green bin), food waste (new council obligation, destined for anaerobic digestion) and green waste (brown bin). This will make better sense for the council once segregated food waste collections are introduced, as outlined in the draft National Waste Strategy.

Living Conditions

- Concerned about the level of noise and disturbance this will cause. The site could be under development for years;
- The site boundaries are too close to existing properties on Greystone and Mason Court. Consideration must be given to move the boundaries further away so that privacy of existing properties are not disturbed;
- Privacy would be invaded as no one looks onto the residents at present and also the peacefulness and their wellness (when sat in the garden) would be decimated;
- Loss of sunlight and daylight;
- Local residents are concerned that people may not use the official access points to the site and instead climb over the walls on 2 Greystone & Mason Court to gain access.

Ground conditions

- There is gun powder and asbestos buried on the site – the residents were told the land could never be built on;

- The houses on Greystone and Mason Court are built on a former quarry site. Resident are concerned that more houses and the vibrations from the works could have an impact on their foundations;
- The land that the current dwellings sit on was unsuitable for building, and so an artificial platform was built. Great care will need to be taken to ensure these foundations would not be disturbed or damaged by any new construction work, which could cause significant damage to property, and in a worst case scenario, loss of life.

Landscape and Bio-diversity

- The development will destroy the wildlife on the site;
- It involves the loss of mature trees;
- There will be no Bee corridor to help promote keeping the Bees, insects and Fauna and wildlife and plants;
- The KC ecology report has reservations about loss of Greenfield land and heathlands habitat, and the removal of trees. Consulting the plans, it appears that an area woodland will need to be cleared, and traffic will also be funnelled through an existing, quiet residential street. This is unfair to residents, and will cause serious issues during at least 7 years of development, and beyond that time once residents move in;
- The area is well known as a habitat for wildlife that will be destroyed if housing takes place.

Infrastructure

- Schools, doctors, dentists are all full;
- Proposing a possible 'doctors' seems to be a gesture to satisfying Kirklees rather than a factual proposal. The developer has no responsibility to provide or ensure that the proposed doctors surgery is provided and therefore should be discounted during any approval consideration;
- The closest existing services are at the junction of Blackmoorfoot Road and Dryclough Road and consist of a range of shops including a post office/newsagent, mini-market, greengrocers, bakery and fish and chip shop. This is approximately 1 mile from the centre of the site. At the Park Road West junction with Blackmoorfoot Road is a small Cooperative supermarket, a pharmacy and several other small shops. In Gilroyd Lane, Linthwaite closer to part of the site in Felks Stile Road, there is a minimarket and petrol station), accessed via

School Lane. This is approximately 1.25 miles from the centre of the site.

Drainage

- There will be more concrete and tarmac so where will all the water (rain) go? The drains aren't cleaned out and when it rains they overflow;
- The environmental impact of the increased hard surfaces, increased drainage and increased pressure on the existing natural drainage which has been assessed for the proposed development but how will this affect the existing residents which are further down the hill compared to the development?
- The existing infrastructure drainage within the surrounding roads will not have been designed or built for the proposed development and therefore cannot manage the additional impacts of the development without upgrade or improvement. The developer should be required to improve where required existing drainage infrastructure to ensure that the impacts of the development do not impact further down the hill on existing local residents;
- The residents have been led to believe the current drainage infrastructure can't cope with many more houses. Crosland Moor and Crosland Hill is in a hill which ultimately will cause a risk of flooding down to the bottom of Crosland Moor;
- Crosland hill is very exposed and building this development would significantly risk flooding of the existing houses. The Standard fireworks site currently allows rain to slowly soak away and building such a high number of dwellings on such a steep hill will cause flood issues;

Construction Traffic

- Construction Traffic – residents in the area already have to tolerate wagons coming to Wellfield Quarry and Lowdhams Caravans and the massively damaging impact these have on the road surface. Adding construction traffic will only exacerbate the problem.
- Site Clearance, noise of Site Traffic, plus the lengthy construction time it will take to build the whole development, would change the character of the semi-rural environment, it which we have chosen to live;
- A development in such proximity will take away any selling feature it currently holds including 'a unique detached property with outstanding views of beautiful countryside' and reduce its value considerably.

Heritage

- This number of dwellings will irreparably damage the character of Crosland Hill and forever change the setting of the grade II* listed buildings that have been there for hundreds of years.
- This development will drive significant numbers of people past Crosland Hall via Thewlis lane. This route should be made explicitly impassable to avoid ruining the setting of the Grade II* listed Crosland Hall.

7.4 The Huddersfield Civic Society have provided a comprehensive response to the application, summarised below:

- How do the Council ensure that community facilities and the affordable housing remain intact throughout the process from outline planning approval to delivery? It is important that commitments made by the applicant in the outline planning application are locked into the completion of the development by any and all developers and during all phases;
- There are three phases of development but the developer should be mandated to undertake the required land decontamination work across the full site at an early stage. The whole site must be effectively remediated.
- With regard to community facilities, the assumption that supply and demand will cover additional facilities required is understandable. However, if these are not planned into the master plan, they can become incompatible with the new community. HCS would like to see allocation of space for these developments, so it is an integrated approach to place-based living and working. These spaces need to be designed in, so they are cohesive and engaging. The area needs to be considered a community (and potentially an expanding one) and not just another housing development to meet home building targets;
- The provisions for a primary school on the site or in close proximity in Crosland Hill should be part of the infrastructure requirements of this level of growth in edge of town housing. The school places assessment suggests there will be sufficient primary places but inadequate secondary places. With developments of this scale we would suggest that there is a requirement for a primary school onsite in Crosland Hill to avoid the combination of developments in the ward resulting in an absence of nursery and primary school places in close proximity.
- The travel plan as written is very detailed but it appears to exist in a world that most residents in the neighbourhood would not recognise

as reality in 2020. Neither does it provide a plan fit for a development that could be completed in 2030, when, as part of a low carbon economy, there may be a shift away from car use towards active travel, greater use of public transport and putting more emphasis on home working;

- Given the size of the overall development, there needs to be further consideration of the convenience of current facilities and services and where additional facilities and services could be provided;
- For this development to go ahead with the anticipated additional traffic generation, improved facilities for pedestrians (i.e. better footways) and in some case (e.g. Felks Stile Road) the introduction of footways on or adjacent to roads (with possible cycleways as well) that will be heavily used by pedestrians (and cyclists) should be required.
- There is also a need for increased or rerouted bus services to serve the site. Access to bus services would be preferable on the site, albeit at the entrances, so as to make travelling by bus and carrying shopping from bus to residence a practical alternative to car travel;
- There are some specific inadequacies in the transport plan. A roundabout at the junction of Sands House Lane would help to reduce speeds and manage the traffic in Blackmoorfoot Road and could form the entrance to the site;
- The proposal should adopt a low cost Low Traffic Neighbourhoods (LTN) (see Gear change: a bold vision for cycling and walking Dept. for Transport 27 July 2020). LTNs would effectively reduce or halt the through traffic (rat runs) by use of road closures, introduction of one-way traffic and reduction of road space that encourage walking, cycling and improve road safety;
- S.106 funding be allocated for consultation on Low Traffic Neighbourhoods in the following areas close to the proposed development: Crosland Hill; Balmoral Road/Butternab Road; Dryclough Woodside Moor End (with schools) and Beaumont Park (with Friends of Beaumont Park);
- To protect existing roads nearby used for walking and cycling we suggest that Quiet Lane status be designated to Heath Lane (Blackmoorfoot to School Lane) and that Thewlis Lane/Nether Moor Road is protected from traffic (after the Johnson's Quarry entrance) with introduction of a "No Motor Vehicles, Except for Access"
- Outline Planning Applications are only the first stage in this process but our submission seeks to raise the quality and energy efficiency and potential energy sources) of the homes before the application moves into more detailed specifications;

- The requirement for living and working sustainably in energy efficient houses needs to be part of a wider appraisal of the likely carbon impact of this development once occupied and how that fits with UK obligations to meet Net Zero Carbon by 2050 (UK legislation) or indeed Kirklees Council and West Yorkshire's 2038 targets.
- The orientation of buildings is, for instance, something that other housing estates are now addressing at the earliest stages so that solar gain is increased (winter) and reduced (summer). However, to achieve the best results, the design of the properties needs to take into consideration the layout of the estates.
- This development spans a critical period for Kirklees Council and the community when it comes to decarbonisation, with a continual halving of the emissions every 5 years (the biggest amounts in the first two 5-year periods. However, this is not just about meeting our carbon targets, homes have to be affordable and comfortable to live in;
- Energy for electricity, heating and cooling is an important aspect of decarbonising the district. This can be done on a house by house basis or as community energy;
- Given the changes in energy mix likely to take place over the next 10-20 years, it will be important that homeowners do not have to retrofit their properties with added insulation or non-fossil fuel renewable energy because building targets took precedence over future-proofing buildings. Carbon intensive fuels are likely to get more expensive for the consumer and this should be reflexed in the outline planning application and full applications;
- The S106 agreements need to cover tree planting, greenways, parks as well as highways access changes, footpaths, cycling facilities and consultation in affected neighbourhoods on Low Traffic Neighbourhoods;
- There are some good features in the masterplan: tree planting, linear greenways, pocket parks, and a square. The Kirklees Council's tree assessment suggests that the applicant needs to improve landscaping and we are dismayed at the loss of mature trees, which should be kept to a minimum, particularly where it provides barriers to traffic noise. To complement the trees and biodiversity HCS would like to see natural water management wherever possible through SUDS.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Lead Local Flood Authority- Objected to the original submission on the grounds that it went against previous advice and instruction given. Revised details subsequently provided.

KC Highways - No objections subject to conditions and appropriate contributions towards junction improvements further down the road network.

8.2 Non-statutory:

KC Policy: A development of 770 dwellings, including up to 70 extra care apartments exceeds the amount set out in the site allocation and the principle of development of this scale is considered to meet the requirements of Policy LP7.

KC Education Service- A financial contribution would be required in this case towards Secondary Provision to fund additional places at Moor End Academy. KC Education Services note this calculation assumes all 770 dwellings are for 2 or more-bedroom units. This is correct at the time of writing but subject to change following any further application [at Reserved Matter stage].

Yorkshire Water - No objection subject to conditions.

KC Conservation and Design: No objection to the development of this site subject to consideration being given to the provision of a buffer between the development and Crosland Hill Road, a development that reflects the local characteristics including street layouts, scale and materials, retain the existing dry-stone walling boundary features, retain and convert the barn at Felks Stile Road (within the blue line), landscape an area of the site to the south east of Felks Stile Road to retain the views across the valley and rural context of this building.

WY Archaeology: Recommend that the site is subject to an archaeological evaluation prior to determining the application and that a record of the Black Cat Fireworks Factory should also be made, or that a condition is imposed stating that no development take place until a programme archaeological recording has been secured.

KC Strategic Housing- There is significant need for affordable 3+ bedroom homes in Huddersfield South, along with a lesser need for 1-2 bed roomed properties. There is an additional housing need in the area, specifically for older people. Rates of home ownership are low compared to other areas within Kirklees, at 60%. 20% of homes rented privately and affordable housing constituting the remaining 20%. House prices in Huddersfield South range from around £85,000 to £160,000 and lower quartile rent in the area is £399 per month. The applicant proposes 2, 3 and 4 bed housing, a mixture of these would be suitable for this development. Affordable homes should be distributed evenly throughout the development and not in clusters, and must be indistinguishable from

market housing in terms of both quality and design. In terms of affordable tenure split, across the district Kirklees works on a split of 55% social or affordable rent to 45% intermediate housing, but this can be flexible. 85 social or affordable rented dwellings and 69 intermediate dwellings would be appropriate for the development.

KC Environmental Health- Recommend conditions in the event of an approval covering noise attenuation; decontamination/remediation; air quality; and lighting.

KC Trees- Requested an amendment to the Felks Stile Road access to enable the retention of a TPO tree, which was subsequently undertaken. No objection to the revised proposal subject to a requirement that the future Reserved Matters submission should make provision for new trees as well as retaining the best of those that already exist.

KC Environment Unit- No objections in principle, but recommend conditions to ensure the potential for bio diversity enhancement across the site is ensured with an ecological masterplan and framework condition.

KC Ecology - In general, the principal of development at this site is acceptable, subject to the correct application of the mitigation hierarchy and the achievement of a 10% biodiversity net gain at a reserved matters stage. Several conditions will be required to ensure the development accord with local and nation policy.

KC Waste Strategy - It is noted that the application is for outline approval for access with all other matters reserved. Waste Strategy has no objection to the outline application provided Refuse Collection Vehicle access is adequately considered at all site access points.

Police Architectural Liaison Officer- West Yorkshire Police supports the principle of this application in its current form, subject to the advice being incorporated into the design plans. Any reserved matters submission should take account of designing out crime measures.

9.0 MAIN ISSUES

- Principle of development;
- Reserved Matters - Means of Access into the site and highway and transportation issues;
- Reserved Matters – access within the site, layout, scale, appearance;
- Reserved Matters - Landscaping
- Bio-diversity;
- Housing mix and affordable housing;
- Living Conditions of Existing and Future Occupiers;
- Ground conditions;
- Air quality;

- Flood Risk and drainage;
- Heritage;
- Climate change;
- Response to representations;
- Other matters;
- Planning obligation.

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (NPPF), confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.
- 10.2 The development plan for Kirklees is the Kirklees Local Plan (KLP), adopted on 27 February 2019. Policy LP1 of the KLP reflects guidance within the NPPF that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. It states that proposals that accord with the policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 10.3 Within the KLP, this site is allocated for housing (HS23). Policy LP65 of the KLP advises that planning permission will be expected to be granted for sites allocated for housing in the Local Plan if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map. Also relevant are Policy LP2 in relation to place-making and Policy LP3, which requires development proposals to reflect the Spatial Development Strategy and to have regard to Policies LP1 and LP2. Finally, Policy LP7 encourages the efficient use of previously developed land in sustainable locations, provided that it is not of high environmental value.
- 10.4 The allocation extends to the entire red line boundary of the application. It is identified to have an indicative capacity of 684 dwellings during the Local Plan period with potential for a further 16 dwellings beyond the plan period (700 in total). This application proposes a development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3). The indicative number of dwellings is therefore consistent with the site allocation in principle in that it would deliver at least 700 units.
- 10.5 The Site Allocation also identifies the following constraints and site specific considerations:

- The provision of a pedestrian footway across the site frontage;
- Improvements to local highway links may be required;
- Potentially contaminated land;
- Air quality issues;
- Odour source near site - industrial works;
- Noise source near site - road traffic noise, licensed premises and industrial works;
- Site is close to listed buildings;
- Site is in an area that affects the setting of Castle Hill;
- Landscape character assessment has been undertaken for this site, which should be considered in the development masterplan;
- Provision to be made within the masterplan to access the north eastern portion of the site via the access from Blackmoorfoot Road/Felks Stile Road.

These matters are considered and assessed within the report below.

- 10.6 A substantial portion of the site is currently occupied by a working factory. In this regard, Policy LP8 of the Kirklees Local Plan seeks to safeguard employment land and premises currently in use for employment. However, the entire site is now the subject of a full housing allocation and as such, the principle of its re-use for residential purposes has already been accepted through the local plan process. Furthermore, it would be compatible with neighbouring residential uses and consequently, it would not prejudice the continued use of neighbouring land for employment. It is therefore sufficiently compliant with Policy LP8.
- 10.7 Furthermore, the business would need to be relocated before any development commences. Given the nature of the use (involving high explosives) a licensing process (outside the remit of the planning process) will need to be completed with the Health and Safety Executive prior to the business either closing or relocating to a site with a similar licence.
- 10.8 The application also includes provision for a community/retail facility to support the future residential occupiers. Whilst this will be subject to demand, the scheme proposes a doctors surgery of up to 350m² and a 500m² dual use facility. This could comprise the following uses: retail (Use Class A1), financial and professional (A2), restaurants and cafes (A3), drinking establishment (A4), hot food takeaway (A5) or a non-residential institution (D1) such as crèche, day nursery, hall etc. (Note: the application was submitted prior to the implementation of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 in force from 1 September 2020 and applications for planning permission submitted before that date must be determined using the previous use classes as above).

- 10.9 The NPPF identifies main town centre uses to include retail, restaurants, bars and pubs. This application would therefore introduce town centre uses in an out of centre location as there are no designated local or town centres within the application site and the site boundary is situated more than 300 metres away from an existing designated centre (i.e. it is not an 'edge-of-centre' location). The NPPF also confirms that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. It requires a local planning authority to apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. This approach is reflected in Policy LP13 of the KLP.
- 10.10 In accordance with the Framework and Policy LP13, the application has therefore been supported by a Sequential Test (ST). It is accepted that the scale of the proposed supporting uses and their location would only meet a specific, localised need resulting from the proposed residential development and the immediate surrounding area. They would not come forward in isolation of the wider development and they would be unlikely to serve a catchment area that would compete with existing centres at Dryclough Road (circa 1km to the east) and Crosland Moor (circa 1.5km to the east). Nevertheless, on the basis that Dryclough Road is the closest, this local centre forms the basis of the Sequential Test in this instance and the potential availability of existing retail or commercial premises within that centre has been considered accordingly.
- 10.11 A search of local estate agents' websites was undertaken as part of the ST to review any vacant or available units within the local centre that may be sequentially preferable to the proposed local centre having regard to their suitability, availability and viability for the intended use. No properties were identified as being available within the Dryclough Road local centre for any of the proposed uses forming part of the planning application. The ST also concludes that there are no available development plots either within or on the edge of the centre at this time that could facilitate the development of additional shops. The findings of the ST are accepted and it is also acknowledged that the scale of the proposal is such that it is clearly intended to meet local need. It would therefore not give rise to any significant retail impact on existing centres and for these reasons, the proposal is considered to comply with Policy LP13.
- 10.12 Overall, taking all these matters into account, the principle of residential development on this site, supported by a small retail/community/health facility accords with Policies LP1, LP2, LP3, LP7, LP13 and LP65 of the Local Plan. It is therefore considered to be acceptable, subject to compliance with other relevant policies in the Local Plan, which are assessed in the report below.

Means of access into the site – highway and transportation issues

- 10.13 Policy LP21 of the Kirklees Local Plan advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. Policy LP21 reflects guidance within the NPPF, which states at Paragraph 108 that in assessing applications for development, it should be ensured that there are appropriate opportunities to promote sustainable transport modes, that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network can be viably and appropriately mitigated. Paragraph 109 confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.14 A full Traffic Impact Assessment was submitted with the application, and the highway implications of the development are considered below with regard to vehicular access into the site, traffic generation and the impact of the development on the strategic network, site accessibility and access by means other than the private car.

Vehicular access

- 10.15 A new primary vehicular access into the site would be provided from Blackmoorfoot Road. It would be a priority controlled junction that would accommodate a 6.75 metre wide carriageway with a cycleway and a 2 metre footway on either side. This is the typical width of an adopted carriageway to allow all vehicles to pass each other with ease, as set out in the Council's Highways Design Guide SPD. The applicant has also demonstrated that it could accommodate an 11.85m refuse collection vehicle and that an appropriately visibility splay can be achieved from the proposed works to the frontage. This would include the relocation of the existing 30 mph speed limit to beyond the site access on Blackmoorfoot Road, which would be secured by condition. The second secondary access onto Felks Stile Road would be designed to be a 5.5 metre carriageway with a 2m footway on each side. Both are considered to be acceptable in principle in their design.
- 10.16 To accommodate the volume of traffic movements turning into the site, the proposal would include the provision of a right turning lane on Blackmoorfoot Road. This would require the widening of the carriageway along the site frontage. The existing 30 mph speed limit would also need to be relocated to beyond the site access on Blackmoorfoot Road to facilitate suitable sightlines for the development. This would be secured via a planning condition. In principle, however, this arrangement is considered to be acceptable.

Traffic generation and Trip Distribution

- 10.17 For the purposes of the Traffic Impact Analysis within the TA, a total development of 770 residential units has been assessed. This is the maximum number of dwellings that is proposed within this application. It is acknowledged that 770 includes the potential for elderly residential provision on the site (up to 70 units), which would reduce the level of traffic generated, especially in peak periods. However, the base of 770 is considered to provide a robust assessment.
- 10.18 Looking at traffic generation, the applicant derived their forecast development flows using the agreed trip rates from the consented 2014 St Luke's Hospital development as requested by the Council's Highways Officer. The applicant did also highlight advice set out in the TRICS Guidance Note titled 'Change in Travel Behaviour' (July 2019), which notes that during the period from 2002 to 2017, residential trip rates have declined by around 12%. These reductions are the result of modal shift but, more notably, reductions in commuter and shopping trips due to increases in homeworking and online deliveries. Consequently, the trip rates that have been used for assessing this development from the TRICS database (an interactive database comprising a large number of transport survey records of individual developments across a wide range of land use categories) provides a robust basis for assessment. The trip rates and forecast traffic flows for 770 units is set out below:

	Arrival	Departure	Total number of 2 way trips
AM Peak 0700-0800	173	385	558
PM Peak 1700-1800	366	236	602

These figures exclude the proposed small-scale town centre facilities on the grounds that these would provide facilities for those living within the site. It has therefore been assumed that any trips generated by these uses would be internal and they would not result in any new traffic during peak hours.

- 10.19 Turning to trip distribution, the proposed development traffic has been assigned to the local highway network using a fixed route matrix. This assumes that 93% of traffic would travel along Blackmoorfoot Road and 66% travelling through the Manchester Road/Blackmoorfoot Road junction. Taking into account the trip generation and distribution figures, a key consideration in the assessment of this application has therefore been its impact on the surrounding highway network. This has taken considered the cumulative effect of this scheme with other existing and committed developments within the vicinity (including St Luke's Hospital) as well as traffic growth. The primary focus of the assessment has been on the following junctions:

- Blackmoorfoot Road/Park Road signal controlled junction;

- A62 Manchester Road/Blackmoorfoot Road signal controlled junction;
- A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street signal controlled junction.

10.20 The capacity of each of these junctions has been fully evaluated in detail as part of this proposal. For the Blackmoorfoot Road/Park Road junction, this was undertaken using two scenarios – (i) pedestrians called every over cycle (16 times during peak periods i.e. pedestrian crossing lights instigated and its associated effect on traffic flow) and (ii) no pedestrian stages called. The reality is considered to be somewhere in-between. The TA analyses the ‘baseline’ situation against the ‘with development (WithDev) scenario’. The results indicate the Degree of Saturation (DOS), which is, in effect, the demand relative to the total capacity. They also identify the Mean Max Queue (MMQ). This is the estimated mean number of vehicles that have added onto the back of the queue up to the time the queue clears. Finally, the results summarise the Practical Reserve Capacity (PRC), which is the available spare capacity at a junction. A negative value shows that a junction is over-capacity. These impacts were provided as part of an updated Technical Note in March 2021. This Note addressed concerns raised by the Council’s UTC section on the original TA methodology with regard to the modelling of signalised junctions on the existing network as a result of the assignment and distribution of traffic from the proposed development. A summary of the results is set out below.

Blackmoorfoot Road/Park Road West Signal Controlled Junction

10.21 Table 1 below summarises the position for this junction in the Weekday AM PEAK with pedestrians every other cycle. Only this scenario is reproduced in this report on the grounds that the junction is forecast to operate more efficiently if pedestrian stages were not called (i.e. this is the less efficient scenario in terms of how the junction might operate with development.)

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DO S	MM Q	DO S	MM Q	DO S	MM Q	DOS	MM Q
Blackmoorfoot Road (N)	76.3	22	92.8	37	82.2	22	99.3	51
Park Road West	75.3	12	93.5	20	82.7	18	99.7	29
Blackmoorfoot Road (S)	44.2	7	49.3	10	47.7	9	53.2	12
Park Road	62.2	7	92.1	12	75.2	9	101.2	19
PRC +/-	+18		-3.8		+8.9		-12.4	

Table 1: Summary of modelling for Blackmoorfoot Road/Park Road/Park Road West junction (pedestrians every other cycle) AM PEAK

The TA concludes that with the addition of the proposed development, this junction is forecast to operate within its actual capacity in the 2022 'With Development' scenarios with minimal increases in the Degree of Saturation (DOS) and Mean Max Queue (MMQ). In the 2031 'With Development' scenario the junction is forecast to operate with DOS of below 100% on all arms apart from the Park Road arm, albeit that the forecast increase in the MMQ is only 7 vehicles. The applicant concludes that the proposal would have a minimal impact on this junction in the Weekday AM peak.

Table 2 shows the same results for the Weekday PM PEAK:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DO S	MM Q	DO S	MM Q	DO S	MM Q	DOS	MM Q
Blackmoorfoot Road (N)	72.3	20	87.4	29	80.0	24	95.2	37
Park Road West	76.4	13	99.3	24	84.2	18	107.9	48
Blackmoorfoot Road (S)	75.8	19	99.2	43	84.6	24	108.4	80
Park Road	73.2	12	89.0	16	84.5	16	94.4	19
PRC +/-	+17.9		-10.3		+6.4		-20.5	

Table 2: Summary of modelling for Blackmoorfoot Road/Park Road/Park Road West junction (pedestrians every other cycle) PM PEAK

With the addition of the proposed development, the TA concludes that this junction is forecast to operate within its actual capacity in the 2022 'With Development' scenarios, with minimal increases in the DOS and MMQ. It does forecast a queue of 43 vehicles (247 metres) on the Blackmoorfoot Road northbound arm of the junction, but concludes that this level of queuing would not interact with the A62 Manchester Road/Blackmoorfoot Road junction, which is located approximately 520 metres to the south. In the 2031 'With Development' scenario the junction is forecast to operate in excess of its actual capacity of 100% with queuing forecast on all arms of the junctions. But the queuing again does not extend to the A62 Manchester Road/Blackmoorfoot Road junction. It therefore concludes that the proposed development would not have a minimal impact on the operation of the A62 Manchester Road/Blackmoorfoot Road junction in the Weekday PM peak.

- 10.22 The assessment indicates that this junction would face some capacity issues as a result of the proposed development, which would lead to increased queuing. However, a recent scheme to improve this junction

has been carried out to further the efficiency of the signal timings and provide updated equipment including Bluetooth monitoring. These works were funded by the recent development at the Former St Luke's hospital. It is considered that no further improvements can be provided at this junction without physically creating more space, which would require the demolition of existing building and shops such that it is not a realistic proposition. Furthermore, the vehicular trip rate calculated for this development in the assignment and distribution of traffic is a very robust figure that is a higher threshold than the trip rate that would typically be adopted based on the TRICS' figures, which is a national database of transport survey records across a wide range of land use categories. As such, they are considered to be a 'worst case scenario' and in reality, the impact upon this junction is unlikely to be as substantial. In these circumstances, the impact upon this junction alone would not warrant the refusal of this application.

A62 Manchester Road/Blackmoorfoot Road Signal Controlled Junction

10.23 The same analysis has been undertaken for the A62 Manchester Road/Blackmoorfoot Road Signal Controlled Junction for the AM and PM Peak, summarised in the Tables 3 and 4 respectively below:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DO S	MM Q	DOS	MM Q	DO S	MM Q	DOS	MM Q
A62 Manchester Road (E) Left Ahead Right	67.7	22	88.8	9	79.3	7	97.6	15
Blackmoorfoot Road Right Left Ahead	77.6	15	100.1	32	87.1	14	113.0	115
A62 Manchester Road (W) Ahead Right Left	75.3	9	84.3	13	80.0	13	85.9	14
PRC +/-	+15.9		+11.2		+8.9		-12.4	

Table 3: Summary of modelling for AM PEAK for the A62 Manchester Road/Blackmoorfoot Road Signal Controlled Junction

In the 2022 'With Development' scenario, this junction is forecast to operate at its actual capacity. The largest increases in the Degree of Saturation and Mean Max Queue would be on the Blackmoorfoot Road arm junction. However, it is noted that it forecasts an increase in queuing of 17 vehicles. In the 2031 'With Development', the junction is forecast to operate in excess of its actual capacity on the Blackmoorfoot Road arm. However, the TA states that this is based on a robust assessment

and, in reality, the level of traffic included within the junction would not occur during the peak period. It therefore concludes that the impact 'with development' would be minimal on the operation of the junction overall.

Table 4 below sets out the position in the PM Peak:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DO S	MM Q	DO S	MM Q	DO S	MM Q	DO S	MM Q
A62 Manchester Road (E) Left Ahead Right	79.4	7	87.9	11	91.1	12	98.8	39
Blackmoorfo ot Road Right Left Ahead	78.6	15	84.4	12	88.1	15	96.6	22
A62 Manchester Road (W) Ahead Right Le	51.1	9	56.2	7	58.1	7	61.9	8
PRC +/-	+13.4		+2.4		-1.9		-9.8	

Table 4: Summary of modelling for PM PEAK for the A62 Manchester Road/Blackmoorfoot Road Signal Controlled Junction

In the PM Peak, the junction is forecast to operate within its actual capacity with the addition of the development traffic.

The modelling of this junction indicates that in the design year 2022, the junction operates within capacity with the development flows. In the design year (2031) the modelling suggests that capacity issues may arise. However, this is on the basis of the robust vehicular trip rate detailed above. In this instance it is suggested that more vehicles would travel down Blackmoorfoot Road than onto Manchester Road. It is considered that this would not be the case in reality. In addition, the forecast growth rates are considered likely to be subject to a reduction given the current trends noted above.

A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street Signal Controlled Junction

10.24 Turning to the Lockwood Road junction, Tables 5 and 6 summarise the Weekday AM and PM peak scenarios:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DO S	MM Q	DOS	MM Q	DOS	MM Q	DOS	MM Q

Bridge Street Left Ahead	64.6	9	70.4	10	76.7	11	83.5	13
Bridge Street Right	97.3	21	99.6	25	112.3	62	113.9	67
A616 Lockwood Road Left Ahead	66.4	14	66.4	14	68.4	15	68.4	15
A616 Lockwood Road Right	96.0	9	96.0	10	109.0	15	109.8	15
Swan Lane Left Right Ahead	99.1	25	101.9	30	111.7	49	114.4	58
B6108 Meltham Road Ahead Right Left	84.5	20	84.5	20	87.1	23	87.1	23
B6108 Meltham Road Ahead Right	56.7	4	56.7	4	63.3	5	63.3	5
PRC +/-	-10.2		-13.3		-24.7		-27.9	

Table 5: Summary of modelling for AM PEAK for the A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street Signal Controlled Junction

This table shows that in the Weekday AM Peak, the junction is forecast to operate close to or in excess of its actual capacity in the 2022 and 2031 Base scenarios. It is predicted that the proposed development would result in increases of 1.6% in traffic flows at the junction, which equates to an additional 45 two-way movements at the junction.

Table 6 below shows the same situation for the PM Weekday Peak:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
Bridge Street	94.1	17	97.9	21	113.4	41	106.7	33

Left Ahead								
Bridge Street Right	75.0	9	73.1	9	86.3	11	80.5	10
A616 Lockwood Road Left Ahead	90.1	26	91.9	27	92.2	30	103.7	50
A616 Lockwood Road Right	70.2	9	71.9	8	72.8	9	86.5	12
Swan Lane Left Right Ahead	95.5	19	100.0	24	112.6	45	104.4	32
B6108 Meltham Road Ahead Right Left	43.9	9	44.8	9	44.7	9	50.3	10
B6108 Meltham Road Ahead Right	85.2	4	99.1	7	100.9	8	127.8	19
PRC +/-	-6.1		-11.1		-26.0		-42.0	

Table 6: Summary of modelling for PM PEAK for the A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street Signal Controlled Junction

The TA states that in the weekday PM Peak, this junction is forecast to operate close to or in excess of its actual capacity in the 2022 and 2031 baseline scenarios. With the addition of the proposed development, it is forecast that there would be an increase in the DOS and MMQ although it is identified to be minimal. It concludes that the proposed development would result in increases of 1.8% in traffic flows at the junction, which would equate to an additional 48 two-way movements at the junction.

- 10.25 Highways Development Management confirm that it is established that this junction is currently running over capacity such that the assignment and distribution of traffic from this development would have a negligible effect on its operation. However, a major highways scheme is already planned by the Council as part of the Huddersfield Southern Corridors project to address the current capacity issue, which will also deliver betterment and mitigation to the impact arising from this proposal.

Longroyd Bridge Junction

10.26 In addition to the above, the Council had previously developed a calibrated and validated traffic model for the base year of 2015 for the Longroyd Bridge junction. This was undertaken as part of the Huddersfield Southern Gateways West Yorkshire plus Transport Fund scheme. This is a collection of junction improvements identified from work undertaken to understand the cumulative traffic impact of the Kirklees Local Plan on the Authority's local highway network. It identified a list of 30 junctions that would require mitigation to accommodate full Local Plan build-out by 2030. The modelled flows from this development at Lockwood Bar have been identified to be minimal and so the focus has been solely on the Longroyd Bridge junction, which it is considered requires mitigation. A previous calculation based on 825 residential units for the residual traffic impact the development would have at the Longroyd Bridge junction has been revised to accommodate up to 770 dwellings. Highways Development Management therefore recommend that to accommodate growth from this development, a contribution of £552,980 would be required towards the Longroyd Bridge congestion scheme. This would be secured by means of the S106 Legal Agreement.

Site accessibility – public transport

10.27 The nearest bus stop to the site is located on Blackmoorfoot Road, close to the existing access on Standard Drive (Bus stop ID: 45019334). This would be approximately 300 metres from the centre of the application site. The eastbound bus stop has a bus pole displaying service information. No facilities are provided for the westbound stop as there are no pavement facilities on the westbound side of the road. This stop provides access to Bus Service 393, which runs from Huddersfield to Blackmoorfoot. It provides a day-time hourly service Monday to Saturday to Huddersfield Bus Station (approximately 30 minutes journey time), the earliest departure from Blackmoorfoot Road currently being 0818 and the last departure from Huddersfield being 1650. There is a further bus stop (ID45019334) at the junction of Felks Stile Road with Blackmoorfoot Road and another on Felks Stile Road close to the entrance to Crosland Heath Golf Club (45050805), also served by the 393. Future residents towards the north of the site could further access the service from the stop at Tom Lane on Crosland Hill Road by using the proposed footpath connection from Quarry Road.

10.28 Whilst these bus stops currently offer only a daily hourly service Monday to Saturday, it would provide the opportunity for future residents to arrive in Huddersfield by bus before 9am and to access a service back to the site in the late afternoon. Whilst somewhat limited, it does provide some accessibility by means other than the private car.

10.29 It is recognised that the 393 route is a tendered service and paid for by the West Yorkshire Combined Authority in full. The continuation of all tendered services is subject to the availability of funding and would be assessed against specific criteria. In responding to this application, West

Yorkshire Metro have advised that the 393 is currently part of a package of services that cost in the region of £800k per annum to operate. This aspect of the package costs around £65k per annum to operate. In the course of this application, WY Metro have advised that if further funding could be secured through this proposal, they would be able to fund enhancements to this service. They therefore requested that the applicant fund the following:

- £150k per annum for a minimum of 5 years to be used for enhancing the 393 and pump priming either or both the 328 and 387 services (£750K in total).
- Incorporate a bus turning area or road layout that allows buses to circulate to facilitate bus services into the site.
- Provide a minimum of 2 bus shelters with Real-time information displays (for either new stops within the site or upgrading other local stops) (£23k per stop)
- Provide 2 bus stop poles (for alighting) within the site. (£500 per stop)
- Travel Plan Fund to the value of £393k for the number of units currently indicated.

10.30 Whilst Officers acknowledge the benefits of extending the service into the site, in reporting the previous application to this Strategic Planning Committee, the report stated as follows:

‘Officers are of the view that the need for extending the bus service and the costs of meeting this i.e. £750m over 5 years has not been satisfactorily justified by METRO. The site is in a sustainable location and details of the bus and pedestrian access to the area detailed within the Highways section of [that] report. The Local Plan acknowledges the distinction between essential infrastructure necessary to make the development acceptable in planning terms and desirable infrastructure which would improve connectivity and sustainability of which the bus extension scheme is considered to fall into the later’.

The circumstances are unchanged by this proposal in terms of the existing bus provision and the distinction between essential and desirable infrastructure. It is therefore considered that a contribution of £750m over 5 years cannot be sought by this proposal as it would not meet *all* of the necessary tests for a planning obligation set out within the NPPF of being a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

10.31 Nevertheless, in terms of incorporating a bus turning area or road layout within the site that allows buses to circulate to facilitate bus services, this matter could be reviewed again at each phase of the Reserved Matters stage subject to bus service demand and provision at that time. Furthermore, to ensure that sustainable transport can be a realistic alternative to the car, the developer would be required to fund a

substantial package of sustainable travel measures as part of this application. How this is spent would be determined in due course. The payment schedule, mechanism and administration of the fund would therefore be agreed with Kirklees Council and detailed in the S106 agreement. In addition, the applicant has also prepared framework Travel Plan, which would need to be monitored at the appropriate phase of development.

10.32 The following contributions have therefore been agreed as part of this application to promote accessibility by means other than the private car:

- A Sustainable Travel Plan Fund to the value of £393,000 for the number of units currently indicated;
- A £15,000 contribution towards the cost of implementing, maintaining, and monitoring the Full Travel Plan (£3000 per annum for the first 5 years of the development);
- A minimum of 2 bus shelters with 'Real-time' information displays (for either new stops within the site or upgrading other local stops) (£23k per stop)
- The provision of 2 bus stop poles (for alighting) within the site. (£500 per stop) should this come forward at a future stage of development;

Site Accessibility – Cycles and Pedestrians

10.33 Turning to accessibility to the site for cycles and pedestrians, the TA refers to the Institution of Highways and Transportation (IHT) document titled

“Guidelines for Providing for Journeys on Foot”, which suggests distances for desirable, acceptable and preferred maximum walks to town centres,

commuting/schools and elsewhere. These are 800m, 2000m and 2200m respectively. It also indicates that advice contained within other documents, including Manual for Streets, suggests that a distance of circa 2km typically represents an acceptable maximum walking distance for the majority of land uses. The TA also highlights the Department for Education’s (DfE) ‘Home to School Travel and Transport’ statutory guidance document, which suggests that the maximum walking distance to schools is 2 miles (3.2 kilometres) for children under 8 and 3 miles (4.8 kilometres) for children over the age of 8. Within this context, there are a range of existing amenities within these relevant walking distances (measured from the centre of the site and at a speed of 3 miles per hour) including:

Local Amenity	Distance (m) and indicative walking time	Criteria Distance (m)
The Sands Public House	300 (4 mins)	1600m
Convenience Store/Post Office	1320 (20 mins)	1600
Co-op	1920 (29 mins)	1950
Moor End Academy	1620 (24 mins)	1950

- 10.34 Furthermore, in the course of this application, the applicant was asked to review how this site would fit into the surrounding access network, particularly with regard to cycling and walking. There is currently a public footpath (HUD/234/50) that runs along the northern boundary of the site connecting through to Felks Stile Road to the West (via HUD/234/30) and Kinder Avenue (via HUD/234/10) to the North West and to Crosland Hill Road via Quarry Avenue. The Design and Access Statement includes an access and movement strategy, which shows that in designing the future Reserved Matters, the development can readily connect with these existing public rights of way to provide walking connections through to Crosland Hill Road and to Cowersley. In terms of cycling, there are presently no dedicated cycle routes in the immediate vicinity of the site. The nearest is the National Cycle Network Route 68, This lies approximately 1.2 miles to the west, which is reasonably accessible along Blackmoorfoot Road.
- 10.35 In terms of accessibility within the site for cycles and pedestrians, this will be assessed at Reserved Matters stage as part of 'layout'. However, it is advised that the access plan for the new Blackmoorfoot Road entrance does incorporate a cycle lane to each side of the carriageway. Furthermore, in the development of the Spine Road, the Design and Access Statement states that it is currently planned at a high level as a shared surface for cyclists and vehicles. However, it acknowledges that integration of a segregated cycle lane could be explored at the reserved matters stage. Modal filters could also be integrated to retain permeability for pedestrians and cyclists but to eliminate through traffic on some minor roads to create a low-traffic neighbourhood. It confirms that further consideration will be given to street design to ensure adherence to new standards set out in national cycling design guidance document 'LTN 1/20 Cycle Infrastructure Design'. This will be pursued further at the Reserved Matters stage. The proposed masterplan would also open up new routes across the site for pedestrians and cyclists, via the creation of paths, parks and boulevards. It is therefore considered that there is the scope within the site to ensure high levels of accessibility for pedestrians and cyclists.
- 10.36 Overall, it is concluded that the proposal is acceptable with regard to the matter of access and highway impact. Subject to relevant conditions and the planning obligations specified above, the proposed development would be located in a sufficiently accessible location and it would provide a safe and secure access for vehicles and all other users. It is also considered that it would not result in a severe cumulative highway impact given the proposed mitigation.

Reserved Matters – access within the site, layout, scale, appearance

- 10.37 Policy LP7 of the KLP relates to the efficient and effective use of land and buildings. It states that housing density should ensure the efficient

use of land, in keeping with the character of the area and the design of the scheme. It advises that development should achieve a net density of at least 35 dwellings per hectare, where appropriate.

- 10.38 With regard to layout, scale and appearance, Policy LP24 of the KLP advises that good design should be at the core of all proposals in the district. It sets out a number of key principles necessary to promote good design, including ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. It also states that the risk of crime should be minimised by enhanced security and promotes well-defined routes, overlooked streets and places. It recommends that the needs of strategically different users should be met and any new open space should be accessible, safe, located within the site and well integrated into wider green infrastructure networks. Furthermore, Policy LP63 advises that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, to be provided in accordance with the Council's local open space standards or national standards where relevant.
- 10.39 Matters of access within the site layout, scale and appearance are not for consideration as part of this application. They are reserved for future assessment as part of a Reserved Matters submission should outline planning permission be approved. However, given the scale and nature of this proposal, the application is supported by an indicative site layout plan and a Design and Access Statement, which has been revised in the course of the planning application. It has also been accompanied by a Landscape Visual Impact Assessment (LVIA), which is appropriate given the site's scale and prominence as viewed from a distance, especially across the Colne Valley to the north. It is considered that the LVIA has been robustly undertaken with numerous receptors included in all directions, and assesses the level and scope of the impact of the development of this site accurately. Each Reserved Matter is considered briefly below.

Access within the site and layout

- 10.40 The illustrative layout submitted with the outline planning application on submission indicates how a development of up to 770 dwellings (including up to 70 care apartments), as well as a local centre facility might be laid out. Based on the site area given on the application form of 29.3 hectares, this would deliver a density of 26 dwellings per hectare if the care home apartments are included, or 24 dwellings per hectare without. Based upon the illustrative layout, and taking into account 7.8 hectares of open space provision within the allocation boundary, the net developable area reduces to 21.5 hectares. The scheme would then deliver a density of 32 dwellings per hectare without the care home and 36 dwellings per hectare with. The actual density will need to be assessed at Reserved Matters stage, taking into account the wording of Policy LP7. This confirms that lower densities (below 35dph) will be

acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

10.41 It is advised that Officers raised some concerns about the illustrative layout in the course of the application, including the following:

- The development of one large residential housing estate without sufficient regard to context and place making that also suggests extensive areas of hard-surfacing to front gardens and large areas of hard surfacing would be unlikely to be acceptable at Reserved Matters stage;
- The Spine Road as a minimum should accord to Green Streets® Principles;
- The opportunity to create a low cost Low Traffic Neighbourhood should be considered (highlighted by the Huddersfield Civic Trust);
- No sense of character areas;
- The layout does not clearly reflect the findings of the urban grain study, including the local historic street patterns and local vernacular typical of the Colne Valley;
- Dominated by vehicles e.g. extensive car parking to frontages.

10.42 In addition, the Council’s Conservation and Design Team highlighted a number of key influences on future development, principally relating to the historic context of the surrounding area, which will also influence the future Reserved Matters. These include the small historic linear settlement of Crosland Hill, which comprise several listed buildings and non-designated heritage assets dating to the 19th century and earlier as well as the impact on the setting of Castle Hill and the visual proximity of the Milnsbridge and Golcar Conservation Areas (refer to the Heritage Section below).

10.43 In response, the applicant prepared a revised Design and Access (D&A) Statement and a series of Parameter Plans, which can be used to guide any future Reserved Matters submission. This revised D&A reflects the details set out within the Parameter Plans, including the following:

Parameter	Implications for the Reserved Matters submission
Structural Open Space	<ul style="list-style-type: none"> - Landscape buffer at the entrance to the site along Blackmoorfoot Road; - Landscape buffer to the east between the proposed development area and existing dwellings along Crosland Hill Road; - An area of natural play along the northern boundary where the application site protrudes into the green belt.
Land Use	<ul style="list-style-type: none"> - Local centre close to the main entrance

	<ul style="list-style-type: none"> - Extra care facility in the south-west corner to provide a modest gateway feature both along Blackmoorfoot Lane and to the Felks Stile Road access
Access and Movement	<ul style="list-style-type: none"> - A well-defined street hierarchy between the main spine road, secondary streets, tertiary lanes and mews streets and identification of these routes on the Access and Movement Strategy Plan. - Exploration of integrating Green Street Principles at the Reserved Matters stage on key routes - Principles for the widths of primary, secondary and tertiary access roads in accordance with the Highways SPD
Green infrastructure	<ul style="list-style-type: none"> - Green links through the site running north-east to south-west and north-west to south east. - Pocket parks within the site; - The masterplan includes a total of 20 hectares of open space, 7.8 hectares of which is within the application site boundary. The remaining 12.2 hectares is the green belt land within the ownership boundary to the north of the site; - Suggested landscaped edge - dwellings to be set back a minimum of 10m from the northern boundary line and 20m along the western boundary line (Felks Stile Road) - Buffer planting to the houses on Mason Court.
Density and Mix	<ul style="list-style-type: none"> - Higher density within the southern and central area - of the site around the spine road and key junctions; - Lower density immediately adjacent to existing development on Crosland Hill Road, along the northern boundary and part of the western edge; - Medium density across the remainder within the site.
Layout	<ul style="list-style-type: none"> - Introducing Neighbourhood Design principles e.g. 4 character areas: (i) Blackmoorfoot Green at the centre of the site with a higher density (contemporary terraces and townhouses) and a more formal character; (ii) Felks Style Edge influenced by the character of Felks Stile Road creating a rural lane feel

	<p>with grass verges and stone walls to either side. Designed to be lower in density with larger semi-detached and detached properties and a more informal character; (iii) Valley View along the northern edge of the site to have an irregular, fractured urban grain with curvilinear streets to prevent the formation of a harsh, linear urban edge given its high visibility and sensitive location adjacent to the Green Belt and (iv) Crosland Place – an area to provide a transition between the development and the existing residential areas off Crosland Hill Road. It would be lower density than Blackmoorfoot Green but higher density than the sensitive edges of the site along Felks Stile Road and the green belt edge. The character of this area should take reference from the adjacent residential areas off Crosland Hill Road.</p>
Sustainability Principles	<ul style="list-style-type: none"> – Energy efficiency of housing stock to reduce energy demand; – Waste management plan; – implement the cooling hierarchy to prevent/mitigate against overheating in homes; – provide safe and attractive walking routes within the development; – Water management e.g. use of swales and natural vegetation filter.

In addition, the layout would need to have appropriate regard to guidance within the Council’s Open Space SPD in terms of calculating the amount of open space required, the type needed and the location of such provision. These matters will all be determined at Reserved Matters stage.

Scale

10.44 The originally submitted Parameters Plan indicated that the majority of the site would be developed with buildings up to 2 storeys in scale with a generous area identified within the centre/south-eastern part of the site as a 3-storey zone. However, in the course of this application, Officers advised that there was insufficient evidence with this submission to justify a scale of up to 3 storeys in the zone indicated, in terms of wider views into and out of the site, including being mindful of views to and from Castle Hill. Furthermore, it was advised that two storey is the predominant scale in the locality and because the site slopes from west to east down towards Crosland Hill, the intended area for 3 storey

development would be quite prominent. The Parameters Plan has subsequently been revised so that the 'up to 3 storeys' zone is caveated to acknowledge that the appropriate scale of development would be subject to details of appearance at Reserved Matters stage and the two cannot be disassociated. Consequently, the appropriateness of 'up to 3 storeys' on part of the site will be subject to a visual and design assessment at Reserved Matters stage to take account of topography, context, heritage assets, residential amenity and appearance.

Appearance

- 10.45 The appearance of the future development on this site will also be determined at Reserved Matter stage to ensure that it is based upon a thorough contextual analysis to provide good design that is appropriate to its scale and function, in accordance with Policy LP24 and guidance within the NPPF. This is considered within the revised Design and Access Statement. It acknowledges that due to the site's elevated nature and visibility from surrounding areas, choosing the right materiality, for example, will be vital for the scheme. Careful consideration must be given to the choice of materials and their colours to ensure that the proposed development blends with the landscape as much as possible and is in keeping with the local vernacular. In this regard, the D&A includes a townscape analysis of the local context, noting the predominance of stepped linear streets, urban strata in wider views across the valley as well as courtyard clusters nearby. The variety of housing typology proposed e.g. terraces, townhouses, semi-detached and detached properties would also generate a diverse character having regard to the different neighbourhoods to be created.

Summary on access within the site, layout, scale, appearance

- 10.46 Taking all these factors into account, it is concluded that matters of access within the site, layout, scale and appearance, including density, will be considered fully as part of a future Reserved Matters application. However, there is sufficient information within this application to ensure that a scheme can be delivered that will meet the Council's design aspirations in accordance with KLP Policies LP7 and LP24. In this regard, a condition is proposed that the Reserved Matters shall be developed broadly in accordance with the Design and Access Statement and Parameters Plans to ensure compliance with both local and national policy.

Reserved Matter - Landscaping

- 10.47 Policy LP33 of the KLP advises, amongst other matters, that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme. In this case, the site includes mature tree lines established

along the southern and eastern application site boundaries and internal tree cover that comprises predominantly low quality regenerative shrubs and small stature trees and pockets of more established moderate quality tree groups.

- 10.48 In terms of the impact of the site's access arrangements, the proposed access from Blackmoorfoot Road would result in a new opening in the woodland that has developed along the road at this point. The trees in this group are mostly young or semi mature trees and whilst they do provide amenity value due to their grouping and proximity to the road, it is considered that the young composition of the woodland would make it easier to replace in terms of both time and wildlife benefit. As originally proposed, the site access onto Felks Stile Road would have run through a group of trees and would have required the removal of a TPO tree. The position of the access has subsequently been amended in the course of this application to ensure that its removal is no longer necessary.
- 10.49 Within the site, although landscaping is a Reserved Matter for future consideration, it is recognised that a large, phased development of this scale will always require significant changes to the existing landscape. That is particularly the case on the Black Cat site due to the extent of man-made structures/levels across the site and the absence of tree and vegetation management across it. Many of the tree groups are situated on man-made platforms that would need to be cleared to create appropriate development plateaus. The change of use of the site to residential development would require a new arrangement of built form and associated green infrastructure, resulting in a number of existing buffer / screening planting groups requiring removal due to their unsuitability within a new residential scheme and the impact on the aspirations for new green infrastructure. It is therefore expected that a high number of trees would need to be removed. However, this is predominantly limited to low quality regenerative trees that have become established following absent tree and vegetation management across the site.
- 10.50 The Council's Tree Officer has advised that whilst there may be a few other areas where more trees could be retained, this can be resolved during the submission of Reserved Matters. A detailed design/layout for the site should utilise detailed tree survey data at an early stage and seek to retain those trees capable of providing a contribution to the future site use. Given the tree cover on the site at present, a detailed and substantial tree mitigation strategy would be required to form part of a detailed application for the site layout. Consequently, at that time, the reserved matters would need to be supported by an updated impact assessment and an Arboricultural Method Statement. This would demonstrate the protection of retained trees throughout the various phases of construction. The scheme should also seek to meet Green Streets Principles to ensure a good level of canopy cover across the built areas of the site. On this basis, however, there is no objection to the

scheme in this regard and it sufficiently accords with Policy LP33 as far as it can at this outline stage.

Heritage

- 10.51 To the east of the site, close to the boundary, are a number of Grade II and Grade II* Listed Buildings including Crosland Hall, Crosland Hall Cottage and Crosland Farm Buildings on Crosland Hill Road, 67, 69 and 69a Crosland Hill Road and 100, 102 and 104 Crosland Hill Road. Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. It is therefore important that any development in the vicinity respects the character and setting of this building. This approach is consistent with the objectives of Policy LP35 of the KLP.
- 10.52 The application is supported by a Historic Environment Desk-based Assessment, which considers the impact of the proposal on these Listed Buildings. It also assesses the impact on designated assets within a range of 5km, including Castle Hill – Scheduled Monument, as well as the closest Conservation Area (Milnsbridge) to the north-east and any archaeological significance.
- 10.53 With regard to the Listed Buildings closest to the site, Crosland Hall is Grade II* Listed and it sits within its associated farm buildings and cottage. The Heritage Assessment notes that the current setting of this group of assets is best described as the edge of a residential area, as it is perceived from Crosland Hill Road. However, Thewlis Lane, bounded by dry-stone-walls either side, despite being currently disused and overgrown, is preserved. Thewlis Lane connects this group of assets to the site, and therefore to the former agricultural fields, quarries and fireworks factory within the application area. Existing access is currently blocked by the fencing around the site. Thewlis Lane is considered to form part of the setting of this group of heritage assets, and making a positive contribution to their significance. Thewlis Lane would be unaffected by the development albeit that the proposal would include the retention of the northernmost stone-wall, which bounds Thewlis Lane.
- 10.54 The fields to the north of Thewlis Lane are considered to make a positive contribution to the setting of this group of assets as they are the last remnants of the layout and boundaries of agricultural land which once surrounded the assets on all sides. On the grounds that the proposed development involves the partial development of these fields, the proposal is assessed to result in a negative effect on the setting of this group of assets, and consequently on their significance. However, the indicative layout indicates that an area of open space would be retained adjacent to this group of buildings to create a buffer between them. It is considered that this would serve to sufficiently preserve their significance albeit that this would need to be assessed again at

Reserved Matters stage once the layout is formally submitted. Any harm to their significance would need to be weighed against the public benefits of the proposal at that time and to determine whether any additional mitigation would be required.

- 10.55 Turning to the other Listed Buildings on Crosland Hill Road, the Heritage Assessment considers that the existing setting of these designated assets is much changed from the original. Consequently, it does not make a contribution to their significance, and therefore, even though the proposed development would change the immediate setting of these assets, it would have a neutral effect on their significance as a result. This assessment is accepted by Officers.
- 10.56 In considering the potential impact on the setting of wider heritage assets, the assessment notes that in primary legislation, only the setting of listed buildings is protected. The setting of scheduled monuments and Conservation Areas is not, albeit the NPPF states that the setting of a designated heritage asset can contribute to its significance. It acknowledges that there are long views from the highest points of the site, particularly toward Milnsbridge Conservation Area and more distant assets, such as Castle Hill Scheduled Monument and therefore, the site does form a small part of the wider landscape within which these assets are located. However, the contribution made by the site to their setting, where it contributes to their significance, is assessed to be very small given the scale of the views afforded from those assets. Consequently, given the distances between them and the fact that development would be perceived as infill against an existing residential settlement, the proposal is not assessed as having a significant impact on these assets within the long views.
- 10.57 Overall, whilst a further assessment will be necessary at the Reserved Matters stage, based upon the information submitted with this outline proposal, it is considered that the site is of a sufficient scale that the setting of the nearby listed buildings is capable of being preserved and the development would not harm their significance. For the reasons stated, it would also not have any significant impact on those heritage assets within long views.
- 10.58 With regard to archaeology, there is some evidence suggesting potential for later prehistoric to Iron Age and Romano British activity in the vicinity. The site's use as a fireworks factory from 1910 is also of archaeological and architectural interest. It is therefore recommended that the site is subject to an archaeological evaluation prior to the development commencing and that a record of the Black Cat Fireworks Factory is also made. This will be secured by condition. It will require a written scheme of archaeological investigation before any development takes place, to include the statement of significance and research objectives, a programme and methodology of site investigation and recording, a programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of the resulting material.

10.59 Subject to the above, it is considered that special regard has been given to the desirability of preserving the setting of nearby Listed Buildings and to any features of historic or archaeological interest that the site possesses. A further detailed assessment will be undertaken at Reserved Matter stage. For these reasons, the application is considered to sufficiently comply with Policy LP35 of the KLP and guidance within the NPPF.

Bio-diversity

10.60 Policy LP30 of the KLP confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it advises that development proposals will be required to (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement and (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist as well as (iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.

10.61 The applicant has submitted an Ecological Update Report, to be read in conjunction with an Ecological Assessment prepared by Tyler Grange in 2018 and a Bio-diversity Net Gain Metric calculation. The original Ecological Report identified the presence of various protected species across the site. It acknowledged the presence of a number of important ecological factors that would require further investigation in order to inform adequate mitigation or measures for protection. It was intended that these would be used to inform a future layout.

10.62 The updated Ecological Report also acknowledges that there are a number of habitats within the site, including amenity grassland, heathland, scrub and grassland as well as buildings, hardstanding, gravel and quarry. In preparing the report, all buildings and structures within the site were re-inspected. It advises that there have been no significant changes to the ecological baseline as a consequence of the updated data search, Phase 1 Habitat Survey or Preliminary Bat Roost Assessment. In summary, it concludes that no significant changes have occurred to either the known distribution of protected species, the designation of sites, planning policy or the baseline conditions at the site since the Ecological Assessment in 2017/18. It also provides a provisional biodiversity net gain assessment, which indicates that with the lowest quality habitats used in green spaces at the site, the design would achieve a low net gain but with higher value habitats incorporated into the design, it could achieve a 10% net gain within the site boundary.

10.63 The Council's Ecologist has considered the Ecological Report and advised that in general, the suite of surveys undertaken are suitable for

the site in order to determine likely ecological impacts at outline stage. They will require updating as part of any reserved matters application to ensure that decisions are made using an accurate understanding of current ecological conditions. With regard to the Biodiversity Metric, it is noted that the current plans indicate that areas of woodland (W1, W2 and W3) and heathland, which are considered of local importance, are likely to be removed to facilitate the development proposals. Heathland is considered to be a habitat of principal importance within Kirklees. Therefore, the removal of these habitats is undesirable, and the lack of adequate mitigation or compensation does not demonstrate correct application of the mitigation hierarchy. This would require further consideration at Reserved Matters stage.

- 10.64 Furthermore, the applicant has liaised with the Council's Bio-diversity Officer to determine how a biodiversity net gain can be achieved on the site, demonstrating that at least 10% can be achieved using the green belt area. The ecological appraisal makes several recommendations for habitat enhancement and creation, which could be incorporated into the scheme in order to achieve a net gain. These measures would need to include suitable mitigation for the loss of heathland and woodland, which would require the same habitats to be created and no net loss of woodland cover. Options to include these within the open space/green infrastructure within the site and within the blue line boundary should be explored to inform the final designs and layout of the site. The scale of the development is considered sufficient to ensure that a 10% net gain can be achieved and in order for the proposals to accord with National and Local policy, a 10% net gain in biodiversity will be required post-development to be secured by means of a planning condition.
- 10.65 Finally, the northern section of the site (outside the redline boundary but within the blue line) is included within the Kirklees Wildlife Habitat Network (KWHN). Although this area is to be retained, adequate protection from indirect impacts of the development would be required. The current indicative design plans indicate that a buffer zone would be included between residential properties and the KWHN and this is welcomed and encouraged. The current illustrative layout also illustrates planted corridors at the boundaries and across the centre of the site which would provide additional links to the KWHN. However, the KWHN could be strengthened and protected from additional recreational pressures due to the development via the provision of a habitat management and creation plan. This will also need to be reviewed on submission of the Reserved Matters.
- 10.66 Overall, at this outline stage, the proposal is considered acceptable with regard to bio-diversity, subject to the correct application of the mitigation hierarchy and the achievement of a 10% biodiversity net gain demonstrated within the reserved matters. Subject to relevant conditions outlined above, the proposal is therefore considered to accord with KLP Policy LP30.

Affordable housing provision and housing mix

- 10.67 Taking into account the annual overall shortfall in affordable homes in the district, KLP Policy LP11 states that the Council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 dwellings. It advises that the proportion of affordable homes should be 20% of the total units on market housing sites. This requirement will be secured by means of a Section 106 agreement with details of the location of these units provided at that time.
- 10.68 The applicant has confirmed that they are seeking a policy compliant scheme to deliver 20% affordable homes on a split of 55% social or affordable rent to 45% intermediate housing. Based on the provision of 770 residential dwellings (maximum), this would equate to 85 social or affordable rented dwellings and 69 intermediate.
- 10.69 Turning to housing mix and house type, this will be determined at Reserved Matters stage as part of the layout. However, the indicative housing mix set out within the Design and Access Statement indicates a blend of apartments (92 – 12% including 70 extra care units), 2 bedroom units (208 – 27%), 3 bedroom units (208 - 40%) and 4 bedroom units (162 – 21%). The Council's Strategic Housing Team advises that there is significant demand for affordable 3+ bedroom homes in the area, along with demand for 1 and 2 bed dwellings. A mixture of 2, 3 and 4 bed housing would therefore be suitable for this development and will be secured as part of the Reserved Matters submission.
- 10.70 It is acknowledged that in reporting the previous proposal to this Committee, the Officer Report noted that an extra care scheme was not considered to be an appropriate development for this site, given the proximity of the location to existing services and community facilities and given the needs of the occupiers, as well as the lack of an enhanced bus service. However, the actual needs of the future occupiers of an extra care facility are unknown at this stage. Furthermore, the Council's Strategic Housing Team advise that there is a specific housing need in the area for older people and in its indicative siting towards the south-east of the site it would be in close proximity to the bus stop at the junction of Felks Stile Road and Blackmoorfoot Road. Consequently, there are insufficient grounds to preclude and housing mix will therefore be fully assessed at Reserved Matters stage.
- 10.71 Overall, it is considered that the proposal would have the capacity to contribute to housing mix within the Huddersfield South Housing Market Area and 20% of the units would be affordable. This would comply fully with the requirements of Policy LP11.

Living conditions of existing and future occupiers

10.72 Policy LP24 of the Kirklees Local Plan advises at (b) that proposals should provide a high standard of amenity for future and neighbouring occupiers. This reflects guidance at Paragraph 127 of the Framework which advises that developments should 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 users.

Light, outlook and privacy

10.73 Layout is a reserved matter such that the impact of the proposal on the living conditions of existing and future will be determined in due course as part of any Reserved Matters application. This will need to have regard to guidance within the Council's pending Housebuilders Design Guide in terms of maintaining high standards of residential amenity and providing appropriate separation distances to avoid negative impacts on light, outlook and to prevent overlooking.

Noise/odour

10.74 For future occupiers, the applicant has also submitted a Noise Assessment, which undertook a detailed environmental sound survey in order to produce a sound map of the proposed site layout based on this information. The survey was based on measurements taken from four positions on each boundary to assess typical environmental sound levels at the site. This concluded that during the entire survey period, road traffic along the surrounding road network remained the dominant sound source.

10.75 With regard to industrial noise, during the daytime survey period, no significant sources of industrial sound were audible within the site from either the caravan storage facility to the north east or the quarry to the south east, on the opposite side of Blackmoorfoot Road. The Report therefore concludes that an industrial sound impact assessment is unlikely to be required for the daytime period.

10.76 The saw shed of the quarry, situated adjacent to Blackmoorfoot Road, is, however, understood to operate continuously 24 hours a day. Within the Noise Assessment, it was therefore assessed in the evening period once residual noise levels had reduced. The dominant source of sound associated with the operation of the saw shed comprised continuous machinery cutting noise from within the building. The assessment indicates that the rating level of the existing industrial sound from the saw shed is likely to achieve a difference of up to +5dB when compared to the lowest representative night-time background sound level at the nearest proposed residential properties (limited to a number of properties situated to the North East of the site along the boundary with the caravan storage facility). This is an indication that the existing industrial sound could potentially have an adverse impact at the nearest proposed residential properties during the night-time period. However, the Noise Assessment determines the impact to be low.

10.77 The Council's Environmental Health Officer considers that a difference of around +5dB is likely to be an indication of an adverse impact and is not an insignificant increase above background noise levels. The provided noise modelling shows an increase in noise levels along Blackmoorfoot Road and any properties will be exposed to higher levels of road traffic noise. The report states that in order to achieve the internal daytime and night-time requirements, openable windows must remain closed. It advises that background ventilation would therefore be provided by ventilators in the building façade and manual ventilation would be provided via openable windows at the occupier's discretion. Trickle ventilation would not be sufficient to help control thermal comfort without the need to open windows and would therefore not be acceptable as the internal daytime and night-time noise requirements would be exceeded during manual ventilation conditions. A condition is therefore necessary requiring a further noise assessment report to inform the Reserved Matters layout to show which rooms in which plots would not achieve satisfactory indoor sound levels with windows open. For these rooms, an alternative ventilation scheme would be required to help control thermal comfort and avoid over heating during hot weather without the need to open windows.

10.78 Overall, it is considered that issues regarding noise on the site can be resolved by conditions, which are recommended, in order to protect future occupiers. Given the scale of the site, any mitigation would be provided a part of any full or reserved matters application that seeks approval for layout. Any issues of noise/ odour arising from the proposed 500m² of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use) would also need to be addressed by planning conditions in the event that the end use related to food preparation or required any form of mechanical ventilation/extraction.

Lighting

10.79 The application includes the submission of a Lighting Assessment to take account of the fact that artificial lighting associated with the development has the potential to cause impacts at existing sensitive receptors in the vicinity of the site and the potential to expose future residents to any existing light spillage issues. The exact level of artificial light experienced by future residents would, however, depend on the final design to be determined at Reserved Matters stage.

10.80 The Lighting Assessment determines that the site is currently on the edge of town and it has been carried out to ensure that it can be developed within the parameters of Environment Zone 2 - the equivalent light generation/ environment of a rural area or village. Given the scale of the site, and the potential for the impact of light pollution from a distance, this is considered to be an appropriate zone on the fringes of a built up area.

- 10.81 Also, given the nature of the site and the presence of certain habitats within and adjacent to it, this relatively low level of illuminance would further allow for habitat protection where necessary (e.g. in relation to trees on the edge of the site, which are being retained) as a means of seeking bio-diversity enhancement. It is considered that the issue of lighting can be satisfactorily addressed by a condition to stipulate that the lighting levels conform to the limitations for Environment Zone 2. This would serve to protect the living conditions of existing and future occupiers.
- 10.82 Taking into account the matters above, it is concluded that the site is of a sufficient scale that a scheme can be developed at Reserved Matters stage that would protect the living conditions of existing and future occupiers. Subject to the imposition of relevant planning conditions, it would therefore comply with the objectives of Policy LP24 and guidance within the NPPF.

Ground conditions

- 10.83 Notwithstanding its residential allocation, the site is also within a Minerals Safeguarded Area and subject to Policy LP38 of the Local Plan. This policy seeks to safeguard minerals on sites in excess of 1000sq m unless it can be demonstrated that the mineral has insufficient economic value, in which case not extracting the mineral prior to development can be justified. The policy also allows for the minerals to remain, if there is an overriding need for the proposed development. The site, has in parts, been quarried already and it is accepted that there is an overriding need within the district for the delivery of new housing. As such no objection is raised to this scheme in this regard and it is compliant with Policy LP38.
- 10.84 Policy LP53 of the KLP advises that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment. In this case, the application is supported by a Phase I and Phase II Geo-Environmental Site Assessment.
- 10.85 These documents acknowledge that the site comprises the former Black Cat Fireworks factory. It incorporates multiple buildings associated with fireworks manufacturing and activities still exist on site. It has also been the site of former quarries. Polycyclic aromatic hydrocarbons (PAHs), asbestos-containing materials, heavy metals and metalloids and ground gas were identified as possible risks to site receptors and the report recommended intrusive work to confirm.
- 10.86 The Assessments detail the field investigation and laboratory results. The site constitutes widespread made ground, generally comprising of inert material, which was proposed as the possible source for several

contaminants. Elevated heavy metals, PAH, naphthalene and total petroleum hydrocarbon were above soil screening values and the report recommends that remediation will be required in relation to ground contamination. Asbestos is common at sites with historical industrial land use. Twenty-four samples were analysed for asbestos and from these, five contained asbestos fibres. Analysis of four samples determined that the asbestos content was very low or less than the limit of detection (<LOD) and no inhalation risks were identified during the movement and placement of these asbestos-containing soils beneath plots. The findings suggested that asbestos was generally associated with localised shallow made ground and one instance of deeper made ground. From this, 'hotspot' excavations and the placement of piled impacted soils at depth beneath the plots would be proposed.

10.87 However, the Council's Environmental Health Officer considers that any disturbance may liberate asbestos fibres and present a serious health risk. Piling practices may also present a risk. Consequently, before any development commences on site, further risk-modelling is considered necessary relating to inhalation risk to site receptors. It is considered that the proposals for asbestos remediation should show clear efforts to limit future exposure to site workers and end-users. This can be secured by means of a planning condition.

10.88 In addition to soil analysis, ground gas monitoring was carried out as a moderate ground gas source generation potential had been assigned to the site. The report identifies that the site has minimal risk methane and carbon dioxide and monitoring was terminated after less than 3 months. However, the Council's Environmental Health Officer considers that a ground gas regime for the site is necessary, which can also be secured by condition. Subject to the imposition of these conditions, it is considered that the proposal is sufficiently compliant with Policy LP53.

Air quality

10.89 Policy LP51 of the KLP relates to the protection and improvement of local air quality and confirms that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people. In this case, the application is supported by an Air Quality Assessment to assess the potential air quality impacts of the proposal. It classifies the development as 'Major' according to the West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance. The assessment considers the impact of the development during both the operational and construction phases.

10.90 The southern site boundary of the proposed development is adjacent to Johnsons Wellfield Quarry. This mineral extraction of sandstone is still currently active and has a history of dust generation in the area. Dust emissions and the potential concurrent dust impacts during the

construction phase on nearby sensitive receptors was therefore assessed. For the operational phase, the pollutants modelled were Nitrogen Dioxides (NOX) and Particulate Matter (PM10) using a baseline year of 2019 with a future year of 2022 representing the first year of occupation of the development (these relate particularly to traffic generation). Consideration was also given to the impact the development would have on Kirklees Council's Air Quality Management Area (AQMA) 9, which incorporates roads bordering and within the Huddersfield ring road.

- 10.91 The report concludes that during the construction phase there is the potential for air quality impacts due to dust emissions from both the development site and the mineral extraction from Johnsons Wellfield Quarry. However, the implementation of good practice dust control measures as detailed in the Assessment would provide suitable mitigation during the construction phase and reduce potential impacts to an acceptable level. These measures can be secured by condition.
- 10.92 For the operational phase, modelling was undertaken at sensitive receptor locations to predict future pollutant concentrations due to predicted vehicle movements to and from the site, with and without the development. The pollution concentrations for NO² and PM₁₀, as well as dust emissions from Johnsons Wellfield Quarry, were predicted to be negligible. The report concluded that air quality impacts because of the development would not be significant at any sensitive location in the vicinity of the site.
- 10.93 The Council's Environmental Health Officer agrees with the methodology of the Air Quality Assessment and considers the approach to be satisfactory. However, this is subject to the implementation of appropriate mitigation measures during the construction phase, to be conditioned. It is also subject to further details to be provided to inform the layout at Reserved Matters stage. These will include enhanced pedestrian connections to the surrounding area to encourage sustainable transport modes, Electric Vehicle (EV) charging points and the production of a Travel Plan, to be secured by condition. In addition, the applicant will need to prepare a monetary cost damage calculation in accordance with the West Yorkshire Low Emission Strategy - Technical Planning Guidance. This is a calculation of pollutant emission costs from the development to determine the amount (value) of mitigation that is expected to be spent on measures to mitigate the impacts. This will also be secured by condition once the layout and number of dwellings is ascertained through a future Reserved Matters application. Subject to the imposition of these conditions, the proposal is considered to comply with Policy LP51.

Flood Risk and drainage

- 10.94 Guidance within the NPPF advises at Paragraph 163 that when determining any planning applications, local planning authorities should

ensure that flood risk is not increased elsewhere. This approach is reinforced in Policy LP27 of the KLP, which confirms, amongst other matters, that proposals must be supported by an appropriate site specific Flood Risk Assessment (FRA) in line with National Planning Policy. Policy LP28 of the KLP relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.

- 10.95 The site falls within Flood Zone 1, which means that it is at a low risk of flooding. However, because the site area exceeds 1 hectare, a Flood Risk Assessment was required with the application. Because of its location entirely within Flood Zone 1, consultation with the Environment Agency is not required. However, the Lead Local Flood Authority (LLFA) have been consulted in relation to surface water drainage.
- 10.96 Given its topography and the underlying geology, it is determined that the site would be unsuitable for infiltration methods of drainage. Consequently, on-site storage would be necessary and the LLFA have confirmed that surface water attenuation can be provided on site to incorporate the stated number of properties/units. Given the scale of the site and the mix of uses and surfacing (i.e. there are very extensive areas of hard standing associated with the existing factory), there will be two outfalls - outfall A to Crosland Hill Road, and outfall B to Blackmoorfoot Road. The appropriate levels of discharge have previously been agreed with Yorkshire Water and the appropriate levels of discharge will be conditioned, as well as a reduction in existing run off from the hard standing areas. These rates would be 27 l/s to outfall A and 6 l/s to outfall B, which is considered to be acceptable.
- 10.97 The LLFA have highlighted that the inclusion of an entrance onto Felks Stile Road is likely to allow a surface water flood route into the site that currently does not occur. This will need to be managed by condition.
- 10.98 Subject to the imposition of drainage conditions above, as well as further conditions requiring interceptors for any commercial premises, a plan to minimise flood risk and pollution post site strip and through various construction phases, and an interceptor in larger parking areas, the proposal is considered acceptable from a flood risk and drainage perspective. It will also be a requirement that the applicant enter into a legal obligation to ensure the maintenance and management of SUDS systems for the lifetime of the developed site.

Climate Change

- 10.99 An assessment of the proposal's impact on climate change is limited at this stage, given that it is an outline application with all matters except access into the site reserved for future consideration. It is appreciated that the demolition of existing structures and the construction of new

buildings has a footprint in terms of CO₂ emissions. However, at this stage, no information in respect of the form of construction has been provided as these are detailed matters that will be assessed as part of any future Reserved Matters submission. At that stage, consideration could be given to the life cycle of building materials and encouragement to the use of materials that have a low embodied impact.

10.100 Energy efficiency would also be considered at the Reserved Matters stage. It is likely that as a minimum, a fabric-first approach would be adopted for the development. This would mean ensuring minimal heat loss through fabric, thermal bridging and air infiltration. Other measures might include low energy lighting, water efficient fittings such as flow restrictors and water efficient appliances to minimise water consumption. Furthermore, measures to encourage future residents of the proposed development to use sustainable modes of transport could be secured. This would include adequate provision for cyclists (including cycle storage for residents) and electric vehicle charging points. In order to clarify these measures, a condition is recommended to require details of measures to promote carbon reduction and enhance resilience to climate change at Reserved Matters Stage.

Other Matters

Crime Prevention

10.101 The Council's Designing out Crime Officer has provided comments on the indicative site layout. On the basis that it is purely illustrative at this stage, the applicant is encouraged to provide the relevant information at the Reserved Matters stage so that the security at the properties can be designed in line with the 'Crime Prevention Through Environmental Design (CPTED) 1&2 principles of Designing Out Crime'. To address this matter, conditions relating to lighting and secure by design are recommended.

Flexibility in the timescales for submission of Reserved Matters

10.102 The applicant has advised that there are a number of complexities associated with the development of the application site, which could result in delays for the submission of reserved matters applications across it as a whole, particularly for the later phases. These factors include the following:

- Relocation of the Fireworks site and surrendering of licenses
- Engineering and detailed design challenges associated with phasing (e.g. initial and interface infrastructure, multiple developers etc.)
- Unknown sales rates (past estimates have been quite slow, which could delay subsequent phases).

The applicant has therefore requested flexibility in the timescales for the submission of future reserved matters. This is permitted by Section 92

of the Town and Country Planning Act 1990. The applicant has suggested a standard 3 year limit for the submission of reserved matters for the first phase (with standard 2 years for implementation), a 5 year limit (from the date of permission) for the submission of reserved matters for the second phase and a 7 year limit (from the date of permission) for remaining reserved matters / phases. This would be longer than the default period of approval of all reserved matters within three years from the date of the permission, to begin before the expiration of two years from the date of approval of the last of the reserved matters to be agreed. In support, the applicant has put forward an indicative timescale for delivery set out in Table 7 below. For the avoidance of doubt, this timeline is provided as an example only. It does not confirm the precise timing for existing occupiers vacating the site or other events taking place:

Table 7: Indicative Timescales – Precise timings unconfirmed at this stage

Year	Annual / Cumulative	Comments
2021		Assumes permission granted. Marketing period commences late 2021.
2022		Relocation of fireworks operator (unconfirmed at this stage), notice period for tenant farmer, terms to be agreed with Phase 1 developer.
2023		Reserved matters approved for Phase 1 (i.e. within 3 years). Tender and contractor appointments. Discharge of planning conditions submitted.
2024		Discharge of planning conditions approved. Enabling works and infrastructure commence (e.g. access, remediation, earthworks, primary infrastructure connections etc.).
2025	40 / 40	First homes completed in Phase 1. Reserved matters submitted for Phase 2 (i.e. within 5 years).
2026	80 / 120	Phase 1 continues. Tender/contractors, discharge of conditions and enabling works for Phase 2 commence
2027	120 / 240	Phase 1 completes at circa 200 units. First homes in Phase 2 complete.
2028	80 / 320	Phase 2 continues. Reserved matters submitted for Phase 3 (i.e. submitted within 7 years of permission granted)
2029	80 / 400	Phase 2 continues. Tender/contractors, discharge of conditions and enabling works for Phase 3 commence
2030	120 / 520	Phase 2 completes at circa 280 units. First homes in Phase 3 complete
2031	80 / 600	Phase 3 continues
2032	80 / 680	Phase 3 continues

2033	80 / 760	Phase 3 completes at circa 280 – final numbers/completion year depend on care home delivery.
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10.103 Officers appreciate the difficulties of bringing this site forward for development, not least the requirement to relocate the existing facilities and to remediate the site. However, its delivery would also contribute significantly to the Council's housing supply and the Local Plan anticipates 282 dwellings from this site in its five year housing land supply. Based upon the applicant's submission, Phase 1 would be completed by circa 2027 with a further 280 by 2030 (within the period of the current Local Plan). Delivery is based upon an annual completion rate of 80 dwellings per year, which may be optimistic but not unrealistic. It is therefore considered that the applicant has provided a reasonable justification for allowing an extended timeframe for the submission of Reserved Matters. Whilst acknowledging the implications for the five year supply, this needs to rely on 'clear evidence' of deliverability. It is therefore recommended that any application for the approval of the reserved matters for the first phase be made not later than 3 years from the date of this permission and an application for approval of the reserved matters for the second phases be made not later than 5 years from the date of this permission and all other phases within 7 years.

11.0 RESPONSE TO REPRESENTATIONS

11.1 The majority of representations have been addressed in the report above. However, the following provides a response to specific points:

Highways

The siting of the entrance will not be suitable. Blackmoorfoot Road is a 30mph speed limited road until a point beyond the left turn onto Sands House Lane.

Response: The safety of the access has been fully assessed by the Council's Highways Officer.

The traffic numbers quoted are from 2017. This is over 3 years old and traffic has got busier each year on Blackmoorfoot Road. Therefore, these figures are not reliable.

Response: The traffic survey base flows have been recorded in 2017 and an accepted 'growth factor' has been provided for the future years 2022 and 2031. This assumes the increase of traffic on the network, including the associated trips generated from this development. This has been assessed and mitigation measures are proposed as outlined in the report.

The only main bus route is currently the 328 and this only goes as far up as Balmoral Avenue. How will people without a car (especially older people) manage to get another quarter/half a mile or so up to the estate?

Response: Accessibility and proximity to bus services is fully set out in the report.

The main pedestrian/cycling spine route across the site should be linked to Quarry Road, Crosland Hill Road and Tom Lane, and this should be a designated route, with an appropriate crossing at Dryclough Road, the route to two schools.

Response: There are existing pedestrian crossing facilities on Blackmoorfoot Road in the form of a Zebra crossing at the junction of Tom Lane and a traffic island below Gramfield Road. This would provide a link from the development to local schools.

The development should include a high quality pedestrian/cycle path within the northern boundary of the site to link with Felks Stile Road, also an important route to Colne Valley High School and primary schools in Linthwaite;

Response: A pedestrian connection to Felks Stile Road would be secured as part of the layout to be determined at Reserved Matters stage.

The application includes inaccuracies and fails to mention the Methodist church were the consultation events were held is now earmarked for development and that in the LDP Lowdham leisure is allocated for housing circa 148 homes and land on Thewlis lane is allocated for 450 homes ,all of which will place a burden on a road;

Response: The cumulative impact of development has been fully assessed as set out in the report.

Design

It is imperative that the correct stipulations are made regarding materials to be used, St Luke's Hospital site are building new houses in brick in a predominantly stone built housing area.

Response: This will be considered at Reserved Matters stage when a future application for the appearance of the dwellings is forthcoming.

All dwellings should be carbon neutral.

Response: The Government does not presently require housebuilders to build zero carbon homes at this time. It would be strongly encouraged by the Council at Reserved Matters stage and it is intended that a Climate Change Statement be required to support a Reserved Matters application to demonstrate how the development would incorporate measures to promote carbon reduction and enhance resilience to climate change.

General

Reduced property values in the area.

Response: The effect of development on the value of existing properties is not a material planning consideration. This has been long established in case law.

If plans are passed and then work is then divided amongst several house builders what controls will the Council put in place to ensure the original plans are maintained?

Response: The Council will impose conditions to ensure an appropriate quality of development and development in accordance with approved plans and these conditions can be enforced through the planning process in the event of non-compliance with approved plans.

A report on the proposed works suggests that vibro compaction will be used on the site. This can have serious impact on foundations of neighbouring properties.

Response: No evidence has been submitted in this regard and any impact on an individual property would be a private civil matter between landowners.

Support some level of housing on this site, however the number of houses planned for this area seems extortionate, when taking into consideration the local infrastructure in this area.

Response: The provision of 700 homes is consistent with the Local Plan. This scheme would deliver up to 770 (including 70 extra care units). It would nonetheless represent the efficient use of land, which is supported by both local and national planning policy and the impact of this number of dwellings has been fully assessed as part of this application. The actual number of houses will, nevertheless, be determined at Reserved Matters stage when an application is sought for the housing layout.

A not for profit community waste company proposes the introduction of community waste and recycling facilities as a prerequisite for this site of 770 dwellings. Communal containers, located conveniently to serve clusters of 4 - 8 dwellings could be planned for the collection of three streams at least: source separated recyclable materials (green bin), food waste (new council obligation, destined for anaerobic digestion) and green waste (brown bin). This will make better sense for the Council once segregated food waste collections are introduced, as outlined in the draft National Waste Strategy.

Response: This would be a matter for a future developer to consider.

Living Conditions

Concerned about the level of noise and disturbance this will cause. The site could be under development for years.

Response: Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts) are not a material consideration. However, the concern is understood and a Construction Management Plan would be sought to establish the approach to be taken to management future construction works having regard to the living conditions of adjoining occupiers.

The site boundaries are too close to existing properties on Greystone and Mason Court. Consideration must be given to move the boundaries further away so that privacy of existing properties are not disturbed.

Response: The boundary of the site is the extent of the applicant's ownership. The privacy of adjoining occupiers can only be determined when the layout of any houses is put forward at Reserved Matters stage.

Loss of sunlight and daylight

Response: Layout does not form part of the assessment of this application and as a result, any overbearing impact on adjoining occupiers cannot be determined at this stage.

Local residents are concerned that people may not use the official access points to the site and instead climb over the walls on 2 Greystone & Mason Court to gain access.

Response: The provision of suitable pedestrian routes and connections through the site and to the surrounding area will be fully considered at Reserved Matters stage.

Ground conditions

There is gun powder and asbestos buried on the site – the residents were told the land could never be built on.

Response: The Council's Environmental Health Officer is satisfied that the site can be suitably remediated to allow building to proceed.

Landscape and Bio-diversity

The development will destroy the wildlife on the site and it involves the loss of mature trees.

Response: There will be some loss of trees across the site and some loss of wildlife in the short-term as a result. However, as detailed in the report, the Council will seek to achieve a Bio-diversity Net Gain of 10% across the site as the development comes forward. A full and detailed landscape scheme will also be required at Reserved Matters stage to mitigate for the loss of existing tree planting within the site.

Infrastructure

Schools, doctors, dentists are all full and proposing a possible 'doctors' seems to be a gesture to satisfying Kirklees rather than a factual proposal. The developer has no responsibility to provide or ensure that the proposed doctor's surgery is provided and therefore should be discounted during any approval consideration.

Response: The provision of health facilities falls within the remit of NHS England. The Local Plan through site allocations cannot allocate land specifically for health facilities because providers plan for their own operating needs and local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their registered list growing. Practices can also

consider other means to deal with increased patient numbers, including increasing surgery hours. Whilst the concern is understood, it is not a matter that can be addressed by the planning system. Nevertheless, there is the opportunity within these scheme in terms of land provision for a doctor's surgery to be constructed if the demand existed.

Drainage

There will be more concrete and tarmac so where will all the water (rain) go? The drains aren't cleaned out and when it rains they overflow. The environmental impact of the increased hard surfaces, increased drainage and increased pressure on the existing natural drainage which has been assessed for the proposed development but how will this affect the existing residents which are further down the hill compared to the development?

Response: The applicant has submitted a drainage strategy, which is considered to be acceptable by the Lead Local Flood Authority. Further information will be required through detailed planning conditions prior to the commencement of development to ensure that the drainage is acceptable within the site and it does not result in flooding issues elsewhere, as required by both local and national planning policy.

Heritage

This number of dwellings will irreparably damage the character of Crosland hill and forever change the setting of the grade II* listed buildings that have been there for hundreds of years.

Response: The impact on heritage assets is fully considered in the report.

Huddersfield Civic Society comments

How do the Council ensure that community facilities and the affordable housing remain intact throughout the process from outline planning approval to delivery?

Response: Affordable housing will be secured through the S106 Legal Agreement. The community facilities will be subject to demand and unfortunately, cannot be categorically secured through the outline planning process in the event that there is no demand for such facilities. It is considered that it would be more detrimental to construct a facility that would remain empty or unused/unmanaged. The application does, at least, include that scope for a community building to be included at Reserved Matters stage or the opportunity for other types of community facilities e.g. allotments, well-designed communal green space.

There are three phases of development but the developer should be mandated to undertake the required land decontamination work across the full site at an early stage. The whole site must be effectively remediated.

Response: The whole site will be subject to a remediation strategy, to be secured by condition to ensure that decontamination is undertaken appropriately and safely.

The provisions for a primary school on the site or in close proximity in Crosland Hill should be part of the infrastructure requirements of this level of growth in edge of town housing. The school places assessment suggests there will be sufficient primary places but inadequate secondary places. With developments of this scale we would suggest that there is a requirement for a primary school onsite in Crosland Hill to avoid the combination of developments in the ward resulting in an absence of nursery and primary school places in close proximity.

Response: As highlighted, the Council's Education Service do not identify any demand for primary places as there is capacity within both Beaumont Primary Academy and Oak CE Primary at the present time and moving forward. Consequently, a requirement for an on-site Primary School could not be justified.

The travel plan as written is very detailed but it appears to exist in a world that most residents in the neighbourhood would not recognise as reality in 2020. Neither does it provide a plan fit for a development that could be completed in 2030, when, as part of a low carbon economy, there may be a shift away from car use towards active travel, greater use of public transport and putting more emphasis on home working.

Response: A further Travel Plan will be required by condition moving forward to take account of any changing conditions.

For this development to go ahead with the anticipated additional traffic generation, improved facilities for pedestrians (i.e. better footways) and in some case (e.g. Felks Stile Road) the introduction of footways on or adjacent to roads (with possible cycle ways as well) that will be heavily used by pedestrians (and cyclists) should be required.

Response: The rural nature of the existing roads typically preclude the provision of separate cycling facilities around the site. Pedestrian connections have been considered from within the site to existing local services and facilities, which would be likely to be the main attractors for pedestrian movement.

There is also a need for increased or rerouted bus services to serve the site. Access to bus services would be preferable on the site, albeit at the entrances, so as to make travelling by bus and carrying shopping from bus to residence a practical alternative to car travel.

Response: This is addressed in the report.

There are some specific inadequacies in the transport plan. A roundabout at the junction of Sands House Lane would help to reduce speeds and manage the traffic in Blackmoorfoot Road and could form the entrance to the site.

Response: The highway impact of the proposal is addressed in the report above.

The proposal should adopt a low cost Low Traffic Neighbourhoods (LTN) (see Gear change: a bold vision for cycling and walking Dept. for Transport 27 July 2020). LTNs would effectively reduce or halt the through traffic (rat runs) by use of road closures, introduction of one-way traffic and reduction of road space that encourage walking, cycling and improve road safety.

Response: The Design and Access Statement has been amended to say that consideration will be given to the opportunity for Low Traffic Neighbourhoods at the Reserved Matters stage. This opportunity can be reviewed on submission of layout as a Reserved Matter.

S.106 funding be allocated for consultation on Low Traffic Neighbourhoods in the following areas close to the proposed development: Crosland Hill; Balmoral Road/Butternab Road; Dryclough Woodside Moor End (with schools) and Beaumont Park (with Friends of Beaumont Park).

Response: It is not considered that such a contribution would meet the tests set out in the NPPF for planning obligations, namely, being necessary to make the development acceptable in planning terms and directly related to the development.

To protect existing roads nearby used for walking and cycling we suggest that Quiet Lane status be designated to Heath Lane (Blackmoorfoot to School Lane) and that Thewlis Lane/Nether Moor Road is protected from traffic (after the Johnson's Quarry entrance) with introduction of a "No Motor Vehicles, Except for Access"

Response: Given the nature of Thewlis Lane/Nether Moor Road, it is considered that this development will not have a significant impact in terms of additional traffic generation. To implement such an order requires a separate legal process, which is not guaranteed to be approved should any objections be made. In addition, it is considered that enforcement of such measures at this location would be impractical. Heath Road is not considered to be of such that would have any material benefit from implementing such a status, with again a separate lengthy legal process required for its justification.

The orientation of buildings is something that other housing estates are now addressing at the earliest stages so that solar gain is increased (winter) and reduced (summer). However, to achieve the best results, the design of the properties needs to take into consideration the layout of the estates.

Response: This would be considered as part of any future Reserved Matters submission pursuant to the site layout.

Energy for electricity, heating and cooling is an important aspect of decarbonising the district. This can be done on a house by house basis or as community energy.

Response: A condition is proposed requiring the submission of a climate change statement to demonstrate how the development would

incorporate measures to promote carbon reduction and enhance resilience to climate change.

12.0 PLANNING OBLIGATIONS

12.1 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) Necessary to make the development acceptable in planning terms, (ii) Directly related to the development and (iii) Fairly and reasonably related in scale and kind to the development. In relation to this application, should planning permission be granted, Officers recommend that it should be subject to a Section 106 agreement to cover the following:

1) Affordable housing – 20% provision with a tenure split of 55% social or affordable rent to 45% intermediate housing

2) Open space – On-site provision to be assessed at Reserved Matters stage and to include any off-site contribution to address shortfalls in specific open space typologies.

3) Education – Contribution of up to £1,312,000 based on 770 dwellings. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.

4) Highway improvements – Up to £552,980 towards the Longroyd Bridge Junction Improvement scheme – based on 770 dwellings.

5) Sustainable transport – Measures to the value of £397,000 to encourage the use of sustainable modes of transport, implementation of a Travel Plan and £15,000 towards Travel Plan monitoring, the provision of 2 new bus shelters within the vicinity of the site with Real Time information displays (23K per stop) and the potential to include for 2 bus stop poles within the site at Reserved Matters stage (£500 per stop).

6) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

8) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain in the event that it cannot be delivered on site.

9) Air quality – Contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.

12.2 The requirement for an obligation to retain 20% affordable housing of the split proposed (unless otherwise agreed) in perpetuity in accordance

with KLP Policy LP11 and with regard to off-site open space in accordance with Policy LP63 is set out in the report above.

- 12.3 The contribution towards education is sought having regard to the requirements of Policy LP49 of the KLP. The policy states, amongst other matters, that the need for the provision of additional school places will be a material consideration when proposals for new housing development are considered. It states that developers should work with the council at the earliest opportunity to ensure the phasing of development and appropriate mitigation is identified in a timely manner to ensure education provision can be secured. The contribution has been determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. Contributions will only be sought where the new housing will generate a need which cannot be met by existing local facilities. This is determined through examination of current and forecast school rolls of relevant primary and secondary schools at that time, their accommodation capacities and consideration of the type of housing to be provided. This ensures a consistent approach to securing the education contribution within the planning application process.
- 12.4 The contribution towards improvements to Longroyd Bridge is consistent with the objectives of Policy LP4 of the KLP. This policy confirms that essential infrastructure is defined as infrastructure that is required to make development acceptable in planning terms. It confirms that new development should contribute to the provision of infrastructure, taking account of local and strategic needs and financial viability and that this may be achieved on-site or off-site through planning conditions or legal agreements as in this case. The contribution to a sustainable travel fund will meet the objective of encouraging sustainable modes of travel required by Policy LP20.
- 12.5 The introduction of maintenance and management clauses within the S106 will secure the long-term maintenance and management of the specific elements of the scheme to meet the specific policy objectives to which they refer.
- 12.6 Finally, the heads of terms in relation to biodiversity will ensure that the site meet its net gain requirements and to accord with the objectives of Policy LP30. Similarly, the requirement for a monetary cost damage calculation is in accordance with the West Yorkshire Low Emission Strategy -Technical Planning Guidance and to comply with the requirements of Policy LP51.
- 12.7 For these reasons, these contributions are necessary to make the development acceptable in planning terms, directly related to, and fairly

and reasonably related in scale and kind to the development. The contributions therefore conform to guidance within the Framework.

13.0 CONCLUSION

13.1 This application seeks outline planning permission for the development of the Black Cat site for up to 770 dwellings including 70 care apartments. It also includes the potential to provide a doctor's surgery of up to 350m² as well as small unit of up to 500m² for a potential variety of centre type uses, including retail (Use Class A1) financial and process services (A2); food and drink (Use Class A3), drinking establishments (Use Class A4), a hot food take-away (Use Class A5) or a non-residential institution (Use Class D1) – or a combination of these. It is submitted with all matters except access into the site reserved.

13.2 As a local plan site allocation, the principle of residential development is clearly appropriate and the provision of a small local centre and/or community facility/doctors surgery will support future residents subject to demand. Sufficient information has also been submitted with this application to demonstrate that an acceptable means of access into the site from Blackmoorfoot Road and Felks Stile Road can be achieved. The cumulative impact of this proposal, having regard to both existing and committed sites has also been fully assessed and deemed acceptable subject to the mitigation measures set out in this report.

13.3 A full assessment of technical matters pursuant to the development of this site has also been carried out, including drainage, remediation, lighting, air quality, landscape and biodiversity have all been satisfactorily addressed at this outline stage and can be appropriately conditioned. It has also been determined that the future submission of the Reserved Matters of layout, scale, appearance and landscaping are capable of delivering a high quality development that meets the Council's place making aspirations.

13.4 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. As detailed in this report, the application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out, it is considered to accord with the development plan when considered as a whole, having regard to material planning considerations. The proposal would therefore constitute sustainable development and accordingly, it is recommended for approval.

14.0 CONDITIONS (Summary list. Full wording of conditions, including any amendments/additions to be delegated to the Head of Planning and Development)

1. Application for approval of the reserved matters for the first phase of development not later than 3 years from the date of this permission. Application for approval of the reserved matters for Phase 2 not later than 5 years from the date of this permission and all remaining Phases not later than 7 years from the date of this permission.
1. Development to begin not later than, whichever is the later of the following dates - the expiration of 2 years from the date of approval of the last reserved matters application for the first phase or before the expiration of 5 years from the date of this permission.
2. Details of the reserved matters for each phase before that phase commences.
3. Construction of the accesses into the site in accordance with the approved plans.
4. Development of the Reserved Matters in broad accordance with the Design and Access Statement up to a maximum of 770 dwellings, including up to 70 care apartments.
5. Submission of a Phasing Plan
6. Submission of a Construction Environment Management Plan
7. Details of off-site highway improvements.
8. Provision of visibility splays in accordance with the approved plan.
9. Details of the junction and associated highway works, between the proposed estate road(s) and Blackmoorfoot Road/Felks Stile Road.
10. Full Travel Plan
11. Method for collection and storage of waste;
12. Details of temporary waste collection;
13. Closure of redundant accesses.
14. Highways condition survey
15. Details of retaining walls/structures adjacent to the adoptable highway.
16. Submission of details relating to internal adoptable roads.
17. Details of surface water drainage works including the means of restricting the discharge for the relevant area of the site to the public sewer network at a maximum rate of 27 (twenty seven) litres per second
18. Separate systems of drainage for foul and surface water
19. Details of the proposed means of disposal of foul water drainage for the whole site
20. Petrol, oil and grease interceptors for large parking areas;
21. No development to take place/commence until a written scheme of archaeological investigation (WSI) has been submitted and approved.
22. Ecological Design Strategy
23. Landscape and Ecological Management Plan (LEMP)
24. Lighting Design Strategy for Bio-diversity
25. Air Quality Impact Assessment prior to the submission of the each phase of Reserved Matters;
26. Dust mitigation measures for each phase;
27. Electric Vehicle Charging Points for each phase;
28. Submission of a Phase 2 Intrusive Site Investigation Report;
29. Submission of Remediation Strategy;

30. Implementation of the Remediation Strategy;
31. Submission of Validation Report;
32. Noise assessment where ventilation required;
33. Details of external artificial lighting;
34. Tree Protection measures
35. Details of crime prevention measures in accordance with guidance from WY Police
36. Finished site levels (including existing and proposed cross-sections).
37. Implementation of noise mitigation measures.
32. Submission of a ventilation scheme for habitable rooms.
33. Details of noise from fixed plant and equipment.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92546>

Certificate of Ownership – Certificate B signed – notice served on site owner.

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 1st July 2021

Application Number: 2020/92546

Officer Recommendation: Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement.

Committee Decision: That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained within the Committee report, as set out below, subject to the amendment of Condition 7 to include a requirement for the undertaking of community consultation

Conditions and Reasons

1. Application for Approval of the Reserved Matters for the first phase of the development shall be made to the Local Planning Authority not later than 3 years from the date of this permission. Application for approval of the reserved matters for the second phase of the development shall be made to the Local Planning

Authority not later than 5 years from the date of this permission. Application for approval of the reserved matters for all other phases of the development shall be made not later than 7 years from the date of this permission. For the purposes of this permission, all references to a 'phase' or 'phase of development' shall be interpreted as being a reference to a phase as defined on a phasing plan to be submitted pursuant to Condition 6.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be begun no later than the expiration of 2 years from the date of approval of the last reserved matters application for the first phase. Each subsequent phase of development shall be commenced within 2 years from the date of approval of the last reserved matters application for that phase.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. Before any development (excluding demolition) commences in a phase (as agreed in accordance with Condition 6), plans showing the:

- i. Appearance;
- i. Scale;
- ii. Layout
- iii. Means of access (including pedestrian and cycle access into and within the site and vehicular access within the site); and
- iv. Landscaping;

for that phase (the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented and carried out in accordance with the approved plans.

Reason: To accord with Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The access onto Blackmoorfoot Road shall be constructed in accordance with Plan 1852-FO2 Rev A. The access onto Felks Stile Road shall be constructed in accordance with Plan 1852-FO1 Rev B. Both access points shall be completed before the first occupation of any phase hereby approved.

Reason: To ensure an appropriate means of access into the site.

5. The Reserved Matters for each phase and the implementation of the development hereby permitted shall be broadly in accordance with the revised Design and Access Statement dated 07/03/21 (PL1713) received 10th March 2021 to deliver a maximum of 770 dwellings (Use Class C3) (including up to 70 care apartments (Use Classes C2/C3), with doctors surgery of up to 350m² (Use Class D1); up to 500m² of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use).

Reason: To define the scope of this permission and to ensure compliance with the Transport Assessment.

6. No development shall commence until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.

Reason: To define the scope of this permission and to provide clarity in relation to the progression of development across the site.

7. No development shall commence within a phase until a Construction Environmental Management Plan (CEMP), setting out the construction and environmental management measures associated with that phase, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details for the relevant phase:

- a) Description of works, equipment and storage (including contractor parking and materials storage);
- a) Programme of works;
- b) Details of any temporary hoarding and fencing;
- c) Routing and signage for construction traffic;
- d) Controls on the arrival and departure times of construction vehicles;
- e) Piling methods (if employed)
- f) Hours of working;
- g) Details of vibration;
- h) Control of emissions;
- i) Details of engagement with the code of Considerate Practice;
- j) Details of community engagement arrangements. This should include a mechanism for residents to liaise directly with the site manager/neighbourhood liaison during the demolition and construction period;
- k) Details of how the neighbourhood liaison will be publicised to local residents;
- l) Monitoring and reporting procedures
- m) Demolition and waste management
- n) Site clearance and waste management plan
- o) Asbestos survey and disposal strategy (as relevant).

Each phase of development shall then be implemented in accordance with the relevant CEMP, which shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

Reason: In order to protect the living conditions of surrounding residential occupiers.

8. Prior to any development commencing within the first phase (excluding demolition), a detailed scheme for the improvement of Blackmoorfoot Road shall be submitted to and approved in writing by the LPA. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, street lighting, relocation of existing 30mph speed limit, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an

independent Safety Audit covering all aspects of the work. All of the agreed works shall be implemented before any part of the development is first brought into use.
Reason: In the interests of highway safety.

9. Before the first occupation of a phase of the development, the wall to the site frontage for each access point for that phase shall be set back to the rear of the proposed visibility splays and shall be cleared of all obstructions to visibility.

Reason: To ensure adequate visibility in the interests of highway safety.

10. Notwithstanding the approved plans, no development (excluding demolition, remediation and earthworks) of any phase shall take place until details of the junction and associated highway works, between the proposed estate road(s) within the site and Blackmoorfoot Road/Felks Stile Road (as defined by Plans 1852-FO2 Rev A and 1852-FO1 Rev B) have been approved in writing by the Local Planning Authority. These details shall include the following:

- (a) Full sections;
- (a) Details of speed reducing features,
- (b) Construction specifications;
- (c) Details of the widening of the existing highway to the site frontage;
- (d) Drainage works,
- (e) Lighting;
- (f) Signage, white lining, surface finishes and treatment of sight lines
- (g) An independent safety audit covering all aspects of the works.

No building shall be brought into use until the works to provide the junction have been completed in accordance with the approved details.

Reason: To ensure that suitable access is available for the development.

11. For each phase of development, a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. The submission of a travel plan must occur at least 3 months prior to any part of the development within that phase being occupied. The travel plan shall include measures to improve and encourage the use of sustainable transport. The approved Travel Plans shall be implemented for as long as any part of the development is occupied. A review of each and any of the approved Travel Plans shall be submitted to the local planning authority on an annual basis for the first five years following first occupation of the development in order to identify any updates or modifications to the Travel Plans that may be reasonably required.

Reason: To comply with the Council's sustainability objectives.

12. No development (excluding demolition) of a phase shall take place until a scheme detailing the proposed internal adoptable estate roads for that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The scheme shall be completed in accordance with the

approved details prior to any building in that phase being occupied and retained thereafter.

Reason: To ensure that suitable access is available for the development.

13. Prior to the commencement of any above ground development in a phase, details of suitable storage, bin presentation points and access for collection of waste from the dwellings approved for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation of the dwellings in that phase and shall be so retained thereafter.

Reason: To ensure an appropriate method for the storage and collection of waste.

14. Prior to the first occupation of the first phase of development, details of the proposed method of closing off and making good all existing redundant accesses to the development site, including a timescale for the proposed works, shall be submitted to and approved in writing by the local planning authority. The approved works shall be completed in accordance with the approved details and timescales and the highway layout retained as such for the lifetime of the development.

Reason: To ensure the free and safe use of the highway.

15. Development shall not commence until a survey of the condition of the following streets: (i) Blackmoorfoot Road between Felks Stile Road and Thewlis Lane and; (ii) Felks Stile Road between the new access point and the junction with Blackmoorfoot Road has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the development (completion of the final approved building on the site), a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented in accordance with a timetable to be agreed in writing with the Local Planning Authority.

In the event that a defect caused as a result of the development is identified during other routine inspections of the highway that could be a danger to the public, it must be reported to the Local Planning Authority immediately. Works to make safe and repair the defect must commence within 24 hours of the applicant being notified by the Local Planning Authority and be completed within a timetable to be agreed with the Local Planning Authority.

Reason: Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway.

16. Prior to the commencement of development within a phase, a scheme detailing the location, design and construction of all new retaining walls and/or building retaining walls adjacent to the existing/proposed highways within that phase, including cross sectional information, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development with that phase and thereafter retained during the life of the development.

Reason: In the interests of highway safety.

17. Before the development of a phase commences, a scheme detailing the location and cross-sectional information, together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the construction of highways for that phase and thereafter retained during the life of the development.

Reason: To ensure the satisfactory provision of surface water attenuation.

18. For each phase of development, there shall be no piped discharge of surface water from the development within that phase prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. The information shall include, but not be exclusive to:

- a) The means of discharging surface water for the relevant area of the site to a satisfactory outfall, other than the public sewerage network i.e. soakaway; and;
- b) The means of restricting the discharge for the relevant area of the site to the public sewer network at a maximum rate of 27 (twenty seven) litres per second to outfall A and 6 litres per second to outfall B. Each phase shall be implemented in accordance with the approved details and thereafter retained.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal)

19. The site shall be developed with separate systems of drainage for foul and surface water on and off site up to the point of connection with existing public sewerage.

Reason: In the interest of satisfactory and sustainable drainage.

20. No development shall take place in the first phase of development (excluding demolition) until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. No buildings shall be occupied or brought into use in a phase prior to completion of the approved foul drainage works in that phase.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal

21. Surface water run-off from any hardstanding that is equal to or greater than 800 square metres or any communal car parking area(s) of more than 49 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that shall be submitted to and approved in writing by the Local Planning Authority prior to any discharge to an existing or prospectively adoptable sewer. The interceptor/separator shall be installed in accordance with the approved details before the relevant area of parking is brought into use.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network.

22. No development within a phase shall take place until a written scheme of archaeological investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include a statement of significance and research objectives, and:

- (h) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- (ii) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

No demolition/development shall take place within a phase other than in accordance with the approved WSI.

Reason: To ensure the appropriate archaeological evaluation of the site to understand the archaeological implications of the development.

23. Prior to the commencement of a phase of the development, including demolition, existing buildings or structures included within the proposed development are to be surveyed for the presence of bats by a qualified ecologist. A written report shall be submitted to the Local Planning Authority for approval. This shall identify the need for further surveys and/or mitigation measures to be included in the relevant phase.

Reason: In the interests of preserving and enhancing the natural environment.

24. Prior to the commencement of a phase of development, including demolition, site preparation or clearance, protected species surveys shall be carried out and completed by an appropriately qualified ecologist and in the appropriate season. The surveys shall be of an appropriate type for the habitats and/or species identified within the Ecological Addendum Note (10925_R05) dated 3rd August 2020 and survey methods shall follow national good practice guidelines. The information collected shall be used to update information on the species and to assess potential impacts of the development for the relevant phase of development, including the need for any additional surveys. The survey report, together with a mitigation strategy as appropriate shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the development on the relevant phase and shall be thereafter implemented as agreed.

Reason: In the interests of preserving and enhancing the natural environment.

25. No development shall take place within a phase (including demolition, ground works, vegetation clearance) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details for that phase.

Reason: In order to protect the natural environment.

26. Prior to the commencement of a phase of development (other than for Demolition, Ground works and Site Preparation Works), a landscape and ecological management plan (LEMP) for that phase shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure improvements the biodiversity of the site

27. No development within a phase (excluding demolition) shall take place until an Ecological Design Strategy (EDS) to ensure that a biodiversity net gain is achieved post-development has been submitted to and agreed in writing by the Local Planning Authority. It shall include the following:

- (a) Purpose and conservation objectives for the proposed works.
- (a) Review of site potential and constraints.
- (b) Detailed design(s) and/or working method(s) to achieve stated objectives.
- (c) Extent and location/area of proposed works on appropriate scale maps and plans.
- (d) Details on the establishment of mixed scrub and introduced shrub planting on the site.
- (e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- (f) Persons responsible for implementing the works.
- (g) Details of initial aftercare and long-term maintenance.
- (h) Details for monitoring and remedial measures.
- (i) Details for disposal of any wastes arising from works.
- (j) A lighting design strategy for biodiversity.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure a scheme that provides ecological enhancement and habitat creation that provides a net biodiversity gain in line with Policy LP 30. This is a pre-commencement condition to ensure ecological measures are capable of being fully integrated into the construction phase

28. For each phase of development, plans and particulars of the Reserved Matters pursuant to landscaping and layout shall include a Biodiversity Enhancement & Management Plan (BEMP) to ensure that a biodiversity net gain is achieved post-development. The BEMP will be in accordance with the Biodiversity Metric 2.0 calculations dated 27th April 2021 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, and shall provide a minimum 10% net gain in habitat units post-development.

The BEMP shall include the following:

- a) An updated assessment of the existing on-site and off-site habitats to be retained, lost and created utilising the Biodiversity Metric 2.0
- a) Description and evaluation of features to be managed and enhanced
- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans
- c) Ecological trends and constraints on site that might influence management
- d) Aims and Objectives of management
- e) Appropriate management Actions for achieving Aims and Objectives
- f) An annual work programme (to cover an initial 5-year period to be reviewed and updated for a minimum period of 30 years)
- g) Details of the management body or organisation responsible for implementation of the Plan
- h) Ongoing monitoring programme and remedial measures

The Plan shall include details of the legal and funding mechanisms by which the long-term implementation of the Plan will be secured by the developer with the management body responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.
Reason: to ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with policy LP 30.

29. Before construction work commences on each phase of development, a revised Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- a) Determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments)
- a) Include a calculation of the monetary damages from the development; and
- b) Include a fully costed mitigation plan detailing the proposed low emission mitigation measures.

The monetary value of the damages should be reflected in money spent on the low emission mitigation measures.

The approved low emission mitigation measures for each phase shall be implemented before the occupation of 50% of the residential dwellings within that phase and shall be retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment.

30. For each phase of development, mitigation measures to control fugitive dust shall be implemented during construction works in accordance with those outlined in in Table 29 “Fugitive Dust Emission Mitigation” of the submitted Air Quality Assessment by Redmore Environmental, Ref: 1793r3, dated 31st July 2020 and maintained throughout the construction phase of the development.

Reason: To safeguard the living conditions of the occupiers of nearby properties.

31. Prior to the installation of the electrical system in a phase, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement.

32. Where further intrusive investigation is recommended in the approved Preliminary Risk Assessment (E3P Site Investigation Report – ref: 11-822-r1 – February 2018), groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site.

33. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 32, further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site.

34. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 33. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site.

35. Following completion of any measures identified in the approved Remediation Strategy, or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different parts of the site, a Final Validation Summary Report for the whole site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site.

36. Before construction work on a phase commences, a further noise assessment report for that phase shall be submitted to and approved in writing by the Local Planning Authority. The report shall (i) clearly show which rooms in which plots will not achieve satisfactory indoor sound levels with windows open and (ii) for these rooms, provide an alternative ventilation scheme which shall show how these rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. The dwellings identified in the noise assessment may not be occupied until the works which form part of the approved scheme for all relevant buildings have been completed, such works to be retained thereafter.

37. Before any above ground work on a phase commences, an external lighting scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting;
 - b) The location and specification of all of the luminaires
 - c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated;
 - d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
 - e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required. The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.
- Reason:** To safeguard the living conditions of the occupiers of nearby properties and promote sustainable development

38. Prior to any works commencing within a phase, an updated tree survey shall be undertaken to identify those trees in the relevant phase capable of retention and capable of providing a contribution to the future site use. It shall also identify any trees to be removed and in the case of removal, present a detailed tree mitigation strategy for that phase or (as relevant) the whole site.

Reason: In the interests of biodiversity, climate change and securing an appropriate landscape scheme.

39. Prior to any above ground works commencing on a phase, details of measures to minimise the risk of crime on that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be implemented in accordance with the approved details and retained thereafter.

Reason: To minimise the risk of crime.

40. Prior to the construction of any buildings within the purposes of Use Classes A1/A2/A3/A4/A5/D1, details of any externally mounted plant or equipment for heating, cooling or ventilation purposes, including a scheme of sound insulation

measures shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall not be brought into use until these measures have been implemented and retained in accordance with the approved details.

Reason: To safeguard the living conditions of the occupiers of nearby properties.

41. Prior to the commencement of development on a phase, details of measures to promote carbon reduction and enhance resilience to climate change for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be constructed in accordance with the approved details and all approved measures thereafter retained.

Reason: To address the impacts of climate change and the Council's declaration of a Climate Change Emergency and to promote resilience to it.

Informatives

Pursuant to Condition 7 (CEMP), noisy construction related activities should not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays;
- 08.00 to 13.00 hours, Saturdays;
- With no noisy activities on Sundays or Public Holidays.

The Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" Version 1.1 2016 provides detailed information regarding dust control. Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Pursuant to Condition 9, the granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Pursuant to Condition 10, please see

<https://www.kirklees.gov.uk/beta/regeneration-and-development/highwaysguidance-and-standards.aspx> for further details.

Pursuant to Condition 17, all new storm water attenuation tanks/pipes/culverts/manholes with internal diameter/ spans exceeding 0.9m must

be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with BD63- Inspection of Highway structures. Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agreement Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

Pursuant to Condition 31, Electric Vehicle Charging Points:

A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof

Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.

At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.

For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable. • The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.

The installation must comply with all applicable electrical requirements in force at the time of installation.

Pursuant to Condition 36, a ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975 is likely to be acceptable. Trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable.

a) Pursuant to Condition 37, the proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “Guidance Notes for the Reduction of Obtrusive Light” by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E2/3.

- a)
- b) Summary of Committee Decision (if applicable)
- c)
- d) N/A
- e)
- f) Plans and specifications schedule:-
- g)

Plan Type	Reference	Version	Date Received
Site Location Plan	PL1713-AB-005	02	06.08.2020
Blackmoorfoot Road Access	1852-FO2	A	15.04.2020
Felks Stile Road Access	1852-FO1	B	19.02.2021
Design and Access Statement	Prepared by Planit-IE		10.06.2021
Transport Assessment	Supplementary Highways Note prepared by Eddisons		07.06.2021
Transport Assessment	Technical Note on Sustainability and Highway Access prepared by Croft		15.04.2021
Transport Assessment	Technical Note 03 prepared by Croft		25.03.2021
Retail Assessment	Prepared by Gerald Eve		02.03.2021
Flood Risk Assessment	Prepared by Campbell Reith Project No.13354		06.08.2020
Landscape Assessment	Prepared by Planit-IE		18.12.2020
Phase 1 and 2 Risk Assessment	Prepared by e3p		11.08.2020
Drainage Strategy	13354-CRH-ZZ-XX-DR-C-5050-P1		06.08.2020
Drainage Strategy	13354-CRH-ZZ-XX-DR-C-5051-P1		06.08.2020

Plan Type	Reference	Version	Date Received
Drainage Strategy	13354-CRH-ZZ-XX-DR-C-5052-P1		06.08.2020
Noise Assessment	Prepared by Lighthouse Acoustics 0276/APR1	Revision 1	06.08.2020
Air Quality Assessment	Prepared by Redmore Environmental Reference: 1793r3		06.08.2020
Lighting Assessment	Prepared by Redmore Environmental Reference: 1793-1r3		06.08.2020
Health Impact Assessment	Prepared by Dr Marcus Chilaka		06.08.2020
Historic Desk Based Assessment	Prepared by RPS Project Reference JAC26512		11.08.2020
PEA	Prepared by Tyler Grange		06.08.2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Negotiations were carried out during the course of the application, which resulted in the conditions set out on this decision notice to ensure an acceptable quality of development.

Report Dated:

25.03.2022