

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

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

Reference No:	2024/44/92892/W
Site Address:	Black Cat Fireworks Ltd, Standard Drive, Crosland Hill, Huddersfield, HD4 7AD
Description:	Discharge of conditions 6 (Phasing Plan), 7 (CEMP), 13 (Refuse Collection/Storage Details), 29 (Air Quality Impact Assessment), 36 (Noise Assessment), 39 (Crime Reduction Measures), and 41 (Carbon Reduction Measures) of previous outline permission 2020/92546 (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:	Nick Hirst

DECISION – Discharge of Conditions - Approved

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 09-Jul-2025

Application: 2024/44/92892/W

Site: Black Cat Fireworks Ltd, Standard Drive, Crosland Hill, Huddersfield, HD4 7AD

Proposal: Discharge of conditions 6 (Phasing Plan), 7 (CEMP), 13 (Refuse Collection/Storage Details), 29 (Air Quality Impact Assessment), 36 (Noise Assessment), 39 (Crime Reduction Measures), and 41 (Carbon Reduction Measures) of previous outline permission 2020/92546 (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

Assessment

Condition 6 (Phasing Plan)

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.*

A phasing strategy has been provided which splits the development into approximately four phases. However, it also splits the development into four component parts, these being:

- Vistry (469 dwellings)
- Miller's (231 dwellings)
- Care home
- Local centre

The document includes images of the extent of each phase and component part. The following table sets out the delivery of each phase:

	Vistry	Miller	Care home	Local Centre
Phase 1	Remediation Site entrance from Blackmoorfoot Road Attenuation tank in zone delivered Mixed private and affordable residential units Play areas, paths, and landscaping within extent of zone provided. Approx number of units: 114 Approx construction period: 24 months	Site entrance formed from Felks Stile Road Mixed private and affordable residential units within zone delivered Attenuation tank provided Play areas, paths, and landscaping within extent of zone provided. Approx number of units: 46 Approx construction period: 16 months	Remediation (if required) Care home built in single period Approx number of units: 70 Approx construction period: 30 months	N/A
Phase 2	Remediation works Bus stop along main connector road delivered Mixed private and affordable residential units within zone delivered	Remediation works Mixed private and affordable residential units within zone delivered Play areas, paths, and landscaping within extent of zone provided.	N/A	N/A

	<p>Play areas, paths, and landscaping within extent of zone provided.</p> <p>Approx number of units: 181</p> <p>Approx construction period: 30 months</p>	<p>Approx number of units: 99</p> <p>Approx construction period: 28 months</p>		
Phase 3	<p>Remediation</p> <p>Mixed private and affordable residential units within zone delivered</p> <p>Play areas, paths, and landscaping within extent of zone provided.</p> <p>Approx number of units: 174</p> <p>Approx construction period: 30 months</p>	<p>Remediation</p> <p>Mixed private and affordable residential units within zone delivered</p> <p>Play areas, paths, and landscaping within extent of zone provided.</p> <p>Approx number of units: 86</p> <p>Approx construction period: 18 months</p>	N/A	N/A
Phase 4	N/A	N/A	N/A	Partner / operator unknown and therefore no definitive details on delivery timing.

The following should be noted:

- Phase 1 will include the road linking the two points of access (Blackmoorfoot Road and Felks Stile Road) being provided. This will allow the early provision of the new bus service (subject to delivery by West Yorkshire Combined Authority: Metro)
- Services, including Public Open Space and drainage infrastructure, will be delivered alongside each phase, to ensure each phase is suitably served as required.
- The lack of specifics for the local centre are noted, however, it is appreciated an occupier is required before details may be worked out. The original permission imposed no specific requirements for the delivery of the Local Centre (i.e., must be provided before X) and it is considered beyond the reasonable scope of this condition to so now.

The submitted document clearly defines the proposed phase (across the component parts of the development). Furthermore, the details provided satisfy officers that necessary infrastructure, including roads and services, have been reasonably divided between the components and phases, and would come forward at reasonable intervals.

Officers recommend that the submitted details be approved, although, due to the ongoing requirement of the condition it cannot currently be discharged. A note of the ongoing requirement is recommended to be included on the decision notice.

Note: Hereafter, this assessment relates solely to the Vistry and Miller phases (as defined by this condition). The Care Home and Local Centre phases are required to adhere to, and submit details for, all conditions imposed on the outline approval (where relevant), in addition to any imposed on their respective Reserved Matters submission(s). A note of this is also recommended to be included on the decision notice, for clarity as to the scope of the decision.

Condition 7 (CEMP)

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);*
- b) Programme of works;*
- c) Details of any temporary hoarding and fencing;*
- d) Routing and signage for construction traffic;*

- e) Controls on the arrival and departure times of construction vehicles;
- f) Piling methods (if employed)
- g) Hours of working;
- h) Details of vibration;
- i) Control of emissions;
- j) Details of engagement with the code of Considerate Practice;
- k) 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;
- l) Details of how the neighbourhood liaison will be publicised to local residents;
- m) Monitoring and reporting procedures
- n) Demolition and waste management
- o) Site clearance and waste management plan
- p) 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.*

Separate details have been submitted pursuant to the Vistry and Miller phases. These are assessed independently below.

Millers CEMP

The following details have been submitted relating to the Miller phase:

- Document titled Construction Method Statement, Site Management & Environmental Plan ref. C (hereafter referred to as the CEMP)
- Plan titled Construction Management Plan, ref. BMF 12 rev. D (hereafter referred to as the CMP)
- Miller Homes' Waste Guide, dated December 2023.

These details are assessed against condition 7's component points, as follows:

- a) *Description of works, equipment and storage (including contractor parking and materials storage);*

The submitted CMP details the works to take place, with details also spread throughout the CEMP.

The CMP shows the proposed location of the main site compound, and the (final) off-site (within the blue line) phase 12 compound used during the last few

dwellings, where contractor parking is to be located, material storage, and plant store is to take place. In terms of contract parking, 38 spaces off-road (inc. off the proposed roads) are shown and are considered sufficient for the scale of the proposal. A reduced provision of parking is to be provided for phase 12, however, this is a small phase and most (if not all) of the site's roads will be complete by that time. The temporary use of these roads for the final phase raises no concerns.

Page 11 and the 'Entrance Works' section of the CEMP confirms a temporary access is not required, as the first phase includes delivery of the site's main point of access.

PROW closure is expected to facilitate part of the proposal. A strategy for the PROW's closure, if needed, is detailed which includes engagement with the council's PROW team and relevant procedures.

The CEMP contains a dedicated Jet Wash facility section (page 2) and a strategy for avoiding water / mud running from the site (page 3).

The submitted details are acceptable.

a) Programme of works;

The CMP includes a routing plan for the construction of dwellings. This is also considered in the context of the phasing strategy, per condition 6 and assessed above.

The proposed phasing is logical and includes infrastructure being delivered at suitable intervals alongside dwelling occupation.

The submitted details are acceptable.

b) Details of any temporary hoarding and fencing;

On page 8 of the CEMP is a dedicated section titled 'fencing'. It confirms that 2m high security fencing is to be erected around the site perimeter (with fencing near trees in accordance with arboricultural British Standards and HSE requirements). The initial fencing locations (see below re. future changes) are shown on the CMP.

It is also confirmed that the site access gate would be set back a minimum of 25m, which is suitable to prevent HGV idling on the road.

The site compound (as detailed within the CMP) is to have 2.4m high solid metal hoarding (with branding).

In terms of phasing, such as once units are occupied, the document continues:

As the site progresses the security fencing and phased fencing across site will be removed/moved to allow customers to access their properties and allow the handover of areas to the management company, in line with the build order. Ensuring the healthy and safety of residents and contractors.

The above details are acceptable.

c) Routing and signage for construction traffic;

A dedicated vehicle routing plan is provided, titled 'Delivery Route from nearest 'A' road on page 14. It confirms the routing plan is to be provided to all contractors, sub-contractors, and delivery drivers.

The use from the nearest A road (Manchester Road) is typical and accepted.

The plan clearly denotes the potential routes to be followed, while explicitly excluding several banned routes (due to unsuitable size and/or steepness). Dodlee Lane, further to the north, which forms part of the direct route from the M62, is also excluded, due to it being narrow, cobbled and steep.

The submitted details are acceptable.

d) Controls on the arrival and departure times of construction vehicles;

Deliveries are to be planned, where possible, between the hours of 0900 and 1600 to avoid peak traffic. Where not possible, no deliveries are to take place outside of:

- Monday to Friday 7:30 - 18:30
- Saturdays 8:00 - 13:00

These details are acceptable.

e) Piling methods (if employed)

It is confirmed on page 8 of the CEMP that no piling is proposed.

f) Hours of working;

The following hours of working are proposed:

- Monday to Friday: 0730 – 1830
- Saturday: 0830 – 1300
- No noisy activities will be carried out on the site on Sundays or Public Holidays.

These are in accordance with Kirklees standard guidelines in relation to hours of works.

The submitted details are acceptable.

g) Details of vibration;

And

h) Control of emissions;

These specialist matters have been considered by K.C. Environmental Health. In their consultation response dated 01/11/2024 they concluded that the submitted details are acceptable. Officers support this assessment and the details are acceptable.

i) Details of engagement with the code of Considerate Practice;

Millers Homes are not signed up to the code of Considerate Practise. Notwithstanding the condition wording, it is considered beyond the reasonable remit and powers of the condition to mandate this.

Nevertheless, comparable alternative details / commitments have been provided. The code of consideration practise identifies three requirements; respect the community, care for the environment, and value the workforce. Considering this, in summary, Millers' detail that:

Respect the community: state this is addressed via Miller Respects (further details below), the detailed contained through the CEMP, and Millers' expectation for employees to operate courteously.

Care for the environment: Officers have been directed to Millers' webpage dedicated to environmental care. This includes subsections on Building Responsibly, Sustainable Living, and Healthy Communities. Officers have also been directed to the submitted Waste Guide, which details recycling and waste management arrangements.

Value the workforce: Officers have been directed to the section SMAS and H&S on page 12 of the CEMP. This confirms that workers are required to sign up and adhere with SMAS (Safety Management Advisory Services) as a H&S requirement. It continues by confirming that a prestart meeting is done with all contractors and subcontractors to run through the site constraints, programme, customer care charter and also through the approved CMS/CMP.

The submitted details are considered acceptable.

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;

AND

k) Details of how the neighbourhood liaison will be publicised to local residents;

AND

m) Monitoring and reporting procedures

Pages 9 and 10 of the CEMP respond to the above points.

A list of the streets (and the properties on them) and businesses in the area to be notified prior to commencement, via letter, is provided. Officers consider the addresses identified to be suitable for the scale of the development.

Details of the information to be contained in the letter is also provided. This includes the ways to view the approved CEMP, the site manager's name and contact details, and the hours of works, amongst other details. This information is considered appropriate.

It is confirmed that the site manager (name and contact details provided) is responsible for complaints monitoring and resolution.

In addition to the above, details of 'Millers Respects' is also provided. This is the companies' national enquiries / complaints process, with contact details provided. The document continues to detail Miller Respect's complaints and resolution process.

The submitted details are considered acceptable.

l) Demolition and waste management

AND

m) Site clearance and waste management plan

Demolition on the site (Miller's phase) is limited to several small pre-fabricated buildings, and therefore raises no significant concerns. Demolition will be subject to all relevant controls expressed elsewhere in this assessment (i.e., timings, noise, dust management).

A site specific Waste Management Plan has not been provided, however, the Miller Homes Waste Guide Document, relevant to all their developments, has been provided. While not specific, given the limited site specific demolition proposed, and that most waste would be 'typical' construction waste, this approach raises no concerns.

The submitted details are acceptable.

p) Asbestos survey and disposal strategy (as relevant).

Page 8 of the CEMP states:

We can confirm that there are no buildings with asbestos and the ground asbestos will be covered under Condition 33 Remediation Strategy. The report submitted by Sirius (ref SR4876) confirms that no building within the Millers parcel contains asbestos.

The above details are considered acceptable for the purposes of condition 7.

Millers' CEMP Conclusion

In summary, the submitted package of information is considered acceptable, in so far as it relates to the identified Millers phase of development. It is therefore recommended to be approved, although, the condition has an ongoing compliance requirement and therefore cannot be discharged at this time. A note stipulating this is recommended to be included on the decision notice.

Vistry CEMP

The following details have been submitted relating to the Vistry phase:

- Document titled Blackmoorfoot Road: Enabling Works Programme
- Document titled Construction Method Statement (updated April 2025) (Hereafter referred to as the CEMP)
- Plan ref. 008-01 rev. E
- Plan ref. VWY-CL-01 rev. A
- Plan ref. VWY-CL-02 rev. A
- Plan ref. VWY-WSCL-01 rev. A

These details are assessed against condition 7's component points, as follows:

a) Description of works, equipment and storage (including contractor parking and materials storage);

The submitted plan ref. VWY-WSCL-01 rev. A evidence the works to take place, with details also contained throughout the CEMP.

The CMP shows the proposed location of the phase 1 and phase 2 compounds (with the Enabling Works Programme detailing the intended swap-over date), where contractor parking is to be sited, material storage, and plant store is to take place. While it is noted that the 2nd compound is proposed to be adjacent to boundaries to neighbouring residential dwellings, the proximity is not unduly close and, subject to compliance with the other provisions of condition 7 (i.e., noise and dust management), the location raises no concern.

In terms of contract parking, 40 dedicated, off-road (inc. off the proposed roads) spaces are shown (for each compound). While this is noted to be similar to Millers' provision (assessed above), while Vistry's site is larger, the build rate is not expected to be substantially higher (therefore a similar level of contractor demand can be expected). Nevertheless, reference to promoting car sharing and public transport for contractors is noted.

Access is initially to be via the existing Standard Drive, with the new access to be formed during the site wide groundworks (and prior to plot delivery commencing) following S278 approval.

Page 11 and the 'Entrance Works' section of the CEMP confirms a temporary access is not required, as the first phase includes delivery of the site's main point of access.

The CEMP contains a dedicated section titled Wheel Washing Facilities & Run Off Mitigation on page 5.

The submitted details are acceptable.

a) Programme of works;

The plan ref. 008-01 rev. E includes a routing plan for the construction of dwellings, with further details contained within the document titled Blackmoorfoot Road: Enabling Works Programme. The information contained within these documents is also summarised within page 12 of the CEMP.

The proposed phasing is logical and includes infrastructure being delivered at suitable intervals alongside dwelling occupation.

The submitted details are acceptable.

b) Details of any temporary hoarding and fencing;

The section titled 'security' on page 4 of the CEMP contains details of the proposed fencing. This includes;

The whole site area for the Vistry Homes parcel will be secured using existing palisade fencing that is already in place and supplemented as

necessary with 2m high Heras type anti climb security fencing which will be double clipped at the joints and secured to posts with debris netting attached. All heras fencing is to be fully seated within moulded feet and rakers attached where required to provide stability installed at suitable intervals internally to prevent trips

It is confirmed that the gate will be set back a minimum of 15m from Blackmoorfoot Road, to allow HGVs to not idle on the highway.

The compound is to be secured by its own 2m high Hera fencing, to segregate it from the wider site. Finally, the additional fencing requirements relating to ecology are noted, while referring the read to the approved CEMP: Ecology.

The submitted details are acceptable.

c) Routing and signage for construction traffic;

The following is stated on page 3 of the CEMP:

All deliveries will be made onto site via Blackmoorfoot Road. HGV routes will prioritise the use of primary routes and companies delivering to Vistry Homes will be briefed to prevent approaching via Deep Lane or Dodlee Lane. All sub-contractors, operatives, delivery companies will be briefed to ensure they approach site using primary routes only.

The information does not trace back to the nearest A road, which is typically expected. However, Blackmoorfoot is connected to Manchester Road, the nearest A road, so it is not considered necessary to be overly specific. Furthermore, the most unsuitable routes are directly referenced as being excluded.

The submitted details are acceptable.

d) Controls on the arrival and departure times of construction vehicles;

The following is stated on page 3 of the CEMP:

Deliveries will be carefully timed by the Site Manager for off peak times to minimise disruption and inconvenience which could possibly be caused to local residents and general traffic in the area. Deliveries will be avoided between 8.30am to 9.15am and 3.00pm to 3.45pm to avoid peak traffic periods and school traffic congestion.

Where possible, deliveries will be made in full loads in order to minimize traffic movements. All deliveries to the site will be carried out using suitably sized vehicles and will enter the site in a forward direction. Once

within the site the need for reversing will be minimised. Where reversing is required, a competent banks man will be in attendance at all times

The submitted details are acceptable.

e) Piling methods (if employed)

Piling is potentially to be undertaken. This is recognised and detailed on page 8, which confirms that a method statement will be utilised. It is also confirmed that 'All works will be conducted within noise and vibration levels and in compliance with hours of work restrictions imposed by the Local Authority or other Statutory Authority'.

The submitted details are acceptable.

f) Hours of working;

The following hours of working are proposed:

- Monday to Friday: 0730 – 1830
- Saturday: 0830 – 1300
- No noisy activities will be carried out on the site on Sundays or Public Holidays.

This is in accordance with Kirklees standard guidelines on hours of works.

a) Details of vibration;

And

a) Control of emissions;

These specialist matters have been considered by K.C. Environmental Health. In their consultation response dated 01/11/2024 they concluded that the submitted details are acceptable. Officers support this assessment and the details are acceptable.

g) Details of engagement with the code of Considerate Practice;

Vistry is not signed up to the code of Considerate Practise. Notwithstanding the condition wording, it is considered beyond the reasonable remit and powers of the condition to mandate this.

Nevertheless, comparable alternative details / commitments have been provided. The code of consideration practice identifies three requirements; respect the community, care for the environment, and value the workforce.

Considering this, the following statement has been provided (page 13 of the CEMP):

Whilst Vistry is not intending to sign up to the Considerate Constructors Scheme, it operates within strictly applied internal procedures and inspection processes to ensure compliance with applicable codes of best practice. Our Vistry Group SHE team (operating as an independent department from the West Yorkshire business unit) conduct monthly scored site inspections as well as conducting SHE advisory visits to work collaboratively with the site team to ensure all appropriate SHE procedures are being followed. Our clients (purchasing bulk numbers of plots including affordable units) also conduct monthly site meetings including checking of H&S matters and reporting.

Vistry uses the M2i SHEQ software designed specifically for the unique demands of the Construction Industry, with the necessary tools to simplify safety management. This system offers real-time tracking of safety measures, generating comprehensive reports to ensure compliance with critical procedures – to deliver a successful project whilst safeguarding our workforce.

The SHE team includes specialist environmental representatives that also conduct advisory visits for every site (both at pre-development stage and during the live construction phase), working collaboratively with the site team to monitor any impact the site may have on the environment. Each site has its own Environmental Aspect and Impact Register to ensure that a site is assessed in terms of its risk to environmental receptors and that suitable control measures are implemented to mitigate those specific risks.

Therefore, in line with the focus of the Considerate Constructors Scheme, the site would be monitored for performance in the same key areas of respecting the community, caring for the environment and valuing our workforce.

The above statement, read in conjunction with the wider provisions and securities offered through the CEMP, is concluded sufficient to address this requirement of the condition.

h) 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;

AND

- i) Details of how the neighbourhood liaison will be publicised to local residents;*

AND

- m) Monitoring and reporting procedures*

Page 2 of the CEMP includes a list of adjacent properties (by street) and businesses which are proposed to be notified by Vistry of the commencement of development via letter. The identified list is deemed comprehensive and appropriate.

A copy of the letter has been provided. It includes the proposed hours of working, a link to the CEMP, and contact details for the site manager, amongst other information.

In addition to the letters, the applicant proposes to post notices / signage giving overview of the proposal and contact details at the site entrance and at suitable points along the adjacent PROWs.

In terms of monitoring, page 7 of the CEMP includes a section on 'Complains / Comments'. This confirms the responsibilities of the site manager (and re-confirms their contact details), who is the main point of contact for residents / businesses. Complaints received will be logged, and investigated within 3 to 5 working days, with the view of addressing the root cause and/or imposing necessary mitigation.

The submitted details are acceptable.

- j) Demolition and waste management*

AND

- k) Site clearance and waste management plan*

Page 7 of the CEMP includes details of the proposed demolition, including the matters to be included in the proposed Method Statement and Risk Assessment for demolition (RAMS). This includes consideration of asbestos (detailed further below).

Page 11 includes the section 'Site Waste Management'. Site waste will be managed in line with Vistry company policy, in compliance with Construction Industry Training Board's GE700. Beyond this, specifics to be included are outlined, including that waste will be managed by waste management contractors who are suitably licenced and that the waste management hierarchy will be applied to all works.

It is confirmed that the Site Manager will be responsible for the management of waste, and that a record of waste will be provided monthly. Finally, Vistry policy precludes bonfires and burning waste on site.

The submitted details are considered to be acceptable.

p) Asbestos survey and disposal strategy (as relevant).

The following is stated on page 7 of the CEMP:

An asbestos survey has been carried out prior to demolition which confirms the presence of asbestos in some buildings on site. The relevant processes will be followed involving the asbestos material being removed in line with the Control of Asbestos Regulations 2012 by an approved sub-contractor with a valid HSE licence. A safe system of work will be drawn up and notified to HSE for the notifiable works which will be undertaken by a licensed sub-contractor.

Ground asbestos will be dealt with in line with all documentation submitted and approved under condition 33 of the outline planning permission.

This information is considered to be acceptable.

Vistry CEMP Conclusion

In summary, the submitted package of information is considered acceptable, in so far as it relates to the identified Vistry phase of development. It is therefore recommended to be approved, although, the condition has an ongoing compliance requirement and therefore cannot be discharged at this time. A note stipulating this is recommended to be included on the decision notice.

Condition 13 (Refuse Collection/Storage Details)

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.*

For both the Millers and Vistry phases, no respective reserved matters (inc. layout) has been approved. While both phases currently have reserved matters submissions under consideration (2024/92235 and 2024/92365), the plans are

currently subject to change and revision. Therefore, neither Miller nor Vistry have a final plan approved at this time.

However, the condition requires details 'prior to commencement'. The applicants have expressed concerns regarding this as it prevents demolition and other works taking place until this condition is resolved. Officers acknowledge this concern.

To enable the condition to be considered, and enable works to commence (within the scope of the outline, pending resolution of the reserved matters), the applicant has proposed that the following principles be agreed at this time:

- All units to have dedicated storage, within the rear gardens wherever possible, of a minimum of 3 standard residential bins. If gardens are at a different level, i.e., accessed via steps or the minimum drag distances permitted under building regulations so dictate, storage may be provided at the front but would be screened by suitably designed 1.2m timber fencing.
- All gardens to have level external access for movement of bins from the dedicated storage space to the front of a property, unless stairs are necessary
- All units (including where driveways are shared) to have space for bin presentation off-road (including off the footway), via either dedicated presentation point, in-plot footpath, or adequate space on driveway which would not conflict with vehicle movements.

The above commits to the delivery of dedicated storage in gardens, of a sufficient number of bins, and presentation points off-road for all units. This complies with the expectations of officers and, if shown on plan, would raise no concerns. Accordingly, these principles are acceptable to officers.

Further to the above, and notwithstanding the condition, as part of the assessment of the above-mentioned reserved matters submissions, officers are seeking to see these principles be implemented.

Should the applicant not adhere to these principles, given the ongoing requirement, repeated below, they would be in breach of the condition as per the below excerpt:

The approved details shall be provided before first occupation of the dwellings in that phase and shall be so retained thereafter.

In light of the above circumstances, officers are satisfied that the proposed approach, and the details provided, are on balance sufficient to approve at this time. Whilst a detailed plan is not provided, sufficient detail and information has been submitted. This is giving due regard to the security offered by the condition's ongoing compliance requirement and the assessment(s) being

undertaken as part of the reserved matters applications. Officers therefore recommend approval, subject to the decision notice being explicit on the approach taken.

Condition 29 (Air Quality Impact Assessment)

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)*
- b) Include a calculation of the monetary damages from the development; and*
- c) 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.*

This condition was imposed on the advice of K.C. Environmental Health, who have reviewed the submitted details. In their consultation response dated 01/11/2024 K.C. Environmental Health consider the submitted report (Air Quality Assessment by SLR, dated 2 October 2024, Project No: 410.065276.00001). In summary, they conclude that the details provided are acceptable and recommend that they be supported.

Officers concur with this assessment and recommend that the details be approved. The condition has an ongoing compliance requirement preventing full discharge at this time. A note stipulating the ongoing requirement is recommended to be included on the decision notice.

Condition 36 (Noise Assessment)

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.

Reason: *In the interests of the living conditions of future occupiers*

This condition was imposed on the advice of K.C. Environmental Health, who have reviewed the submitted details.

Based on the initially submitted details, K.C. Environmental Health expressed concerns in their consultation response dated 01/11/2024.

The concerns raised led to an amended document, Noise Impact Assessment (NIA) from SLR dated 16 December 2024 Ref 410.065276.00001 Rev04, being provided by the applicant. This has subsequently been reviewed by K.C. Environmental Health. In their consultation response dated 14/01/2025 they conclude that the submitted details are acceptable.

Officers concur with this assessment and recommend that the details be approved. The condition has an ongoing compliance requirement preventing full discharge at this time. A note stipulating the ongoing requirement is recommended to be included on the decision notice.

Condition 39 (Crime Reduction Measures)

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.*

The applicant has provided the below statement to cover the residential elements of the development (Millers and Vistry). This does not address the care home and local centre elements of the proposal.

Secure By Design principles have been followed when designing the scheme to create a safe environment for existing and future residents. The scheme has been designed with a perimeter block formation to create a continuous frontage which includes front doors and windows from habitable rooms to address the streets and public open spaces. This approach also encloses the rear gardens within the block.

Allocated car parking is provided on-plot where possible with spaces located close to the front door or rear boundary so that people can see

their car from their home. Secure cycle storage is proposed either within a garage or rear garden within a secured shed.

A boundary treatment plan has been submitted as part of the application and this clarifies the proposed boundary details for each dwelling, this also should be read in conjunction with the landscaping plan that shows the location of low level hedging. Rear garden boundaries are to be a robust defensive barrier of 1.8m high fencing, side boundaries that address the street or public spaces are to be 1.8m pier and panel. Access is to be provided to rear gardens with the use of an equally robust 1.8m high timber gate. Where a rear garden access path is proposed for terraced dwellings, these have been provided with gates that are located at the front of the dwelling to increase natural surveillance.

Officers considered that the submitted details are, in principle, acceptable and may be approved (for the residential elements only). Many of these details overlap with the outstanding Reserved Matters however. It is recommended that these details be approved, alongside a note requiring that the principles set out are carried through to any future reserved matter application.

Further to the above, the condition has an ongoing compliance requirement that prevents a full discharge. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 41 (Carbon Reduction Measures)

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.*

The residential (none care-home) component of the development has been split into two halves via the currently under assessment Reserved Matters application's 2024/92365 and 2024/92235, and as identified within the condition 6 assessment.

Two documents have been submitted in regard to this condition, one for each residential phase. These are considered individually below.

Blackmoorfoot Road, Huddersfield Vistry Group Plc and Countryside Properties Uk Ltd, relating to 2024/92365 (Vistry 469 units)

The document is split into several sections, which outline the various measures proposed. These are:

Climate Change Resilience: The potential for properties overheating in the future, due to potentially higher summer temperatures and longer hot spells attributed to climate change, is considered. Measures incorporated into the proposal to address this include:

- A layout which incorporates significant green space around the site and in rear gardens reducing the potential for heat build up in enclosed and low albedo external areas, such as tarmac and dark roofs.
- Within the development layout, orientation, and massing has been considered to maximise useful passive solar gain. Glazing specification which has been considered to balance the requirements of usual solar gain with unwanted summer gain.
- Consideration of thermal mass of construction materials to smooth internal temperature profiles, storing excess heat during the day and releasing at night.
- Window opening areas will be considered and guided by the Part O assessment (Building Regulations, Overheating), with increased opening areas being designed in as required.

Energy Consumption and CO2 Emissions: The following aspects are considered within section 4 of the report:

- Energy reduction strategy: fabric first
- Be lean – reduce energy demand
- Be clean – supply energy efficiently
- Be green – use low carbon renewable energy
- Building regulation standards – Fabric energy efficiency
- Proposed fabric specification
- Thermal bridging
- Air leakage
- Energy efficiency heating and lighting

Low Carbon and Renewable Energy Systems: The document considers the pro and cons of the following renewable or low carbon energy systems in tables 4 – 9:

- Individual biomass heating
- Solar thermal
- Solar photo-voltaic
- Air source heat pump
- Ground source heat pump
- Hot water heat pumps.

The report concludes that solar photovoltaics and air source heat pumps are the most suitable for the site. All dwellings would incorporate air source heat pumps, and where applicable / suitable, be supplemented by solar PV systems.

Section 6 of the document (As Designed Emissions) concludes:

Following the proposed strategy of incorporating fabric improvements and air source heat pumps, the dwellings will deliver carbon reductions significantly in excess of current local and national policy requirements, and aligned with the anticipated 75% minimum CO2 reductions to be required by the forthcoming Future Homes Standards.

Officers concur with the submit report's assessments and final conclusion, and consider the details acceptable in so far as they relate to this phase.

Energy and Design: Blackmoorfoot Road, Huddersfield Energy Statement, relating to 2024/92235 (Millers 231 units)

The document confirms that the dwellings are to be designed in accordance with the 'energy hierarchy', with the objective of reducing energy demand through passive design and a fabric-first approach. This is to provide low-carbon and energy-efficient buildings and will be achieved through:

- Little to no reliance on an occupier's behaviour to deliver carbon reductions. Achieving carbon savings from renewable energy technologies requires education, awareness and, often, behavioural changes from occupants.
- Virtually no maintenance and/or replacement costs to maintain carbon reductions through the improved fabric and
- Carbon savings delivered are 'locked-in' for the lifetime of the building (60 years or more) rather than the much shorter lifespan (around 25 years) of a renewable energy technology.

The document continues across several sections to detail how the above will be achieved, including Efficient Measures and Proposed Fabric First Specification, before undertaking a review of the most appropriate Low and Zero Carbon Technologies which could be appropriate for the site. This identifies the following technologies are suitable for the development:

- Air Source Heat Pump (ASHP)
- Photovoltaic (PV) Technology
- Flue Gas Heat Recovery System (FGHRS)
- Waste Water Heat Recovery System (WWHRS)

For the avoidance of doubt, it is not being suggested that all of the above would be provided on each plot, but they would be applied where most appropriate across the site.

The appendixes of the report are calculations based on the expected energy savings above and beyond Building Regulations. The report concludes that the measures set out in the document would notably go beyond the minimums required by Building Regulations.

Officers concur with the submit report's assessments and final conclusion, and consider the details acceptable in so far as they relate to this phase.

Condition 41 (Carbon Reduction Measures): conclusion

The two submitted reports are considered acceptable, and each may be approved pursuant to its relevant phase.

Notwithstanding the above, the condition has an ongoing requirement that prevents a full discharge. A note of the ongoing requirement is recommended to be included on the decision notice.

Summary

All of the conditions applied for may be discharged and/or have the submitted details approved.

Many of the details submitted to discharge the following conditions relate to matters connected to the Reserved Matters of layout, landscape, scale, and appearance, which, at the time of writing, are undetermined. For the residential (none care-home) component of the development, they are currently under assessment via application's 2024/92365 and 2024/92235. Therefore, the details submitted are subject to change.

A note is therefore recommended to be included on the decision notice stating that, 'Should the details submitted pursuant to the Reserved Matters identified materially deviate from those hereby approved, note that you may be required to re-discharge condition the relevant condition(s).'

A separate note is also recommended setting out that any approval relates to the Vistry and Miller residential development phases, only. None of the details submitted relate to the Care Home or Local Centre phases, bar pursuant to condition 6 (phasing plan). This note would be best located within the respective section of the letter.

Recommendation: Approve details

Report Dated: 03/06/2025

Proposed Letter Text

Many of the details submitted relate to matters related to the Reserved Matters of layout, landscape, scale, and appearance, which at the time of writing are undetermined and therefore subject to change. Should the details submitted pursuant to the Reserved Matters identified materially deviate from those hereby approved, please note that you may be required to re-discharge the relevant condition(s).

Condition 6 (Phasing Plan)

You have submitted the phasing plan referenced 426 ref. F pursuant to condition 6. This document splits the site into four areas, identified as;

- Vistry (469 dwellings)
- Miller's (231 dwellings)
- Care home
- Local centre

For the Millers and Vistry developments, the document also splits them into several build-out phases. Each phase also includes a written description of the works to be incorporated into that phase, the approximate number of units (where relevant) to be delivered, and the approximate construction period.

The submitted details are considered acceptable for the initial requirement of condition 6.

Notwithstanding the above, you are reminded that condition 6 has the below ongoing requirement which must be adhered to, to ensure ongoing compliance with the condition:

The development shall be implemented in accordance with the approved phasing plan.

Hereafter, this letter is only concerned with details submitted relating to the Vistry and Millers Homes phases. Any condition approved and/or discharged is only applicable to the Vistry and Miller phases only. For the avoidance of doubt, the Care Home and Local Centre phases are required to be adhered to any submitted details for all conditions imposed on the outline approval (where relevant), in addition to any imposed on their dedicated Reserved Matters submission(s).

Condition 7 (CEMP)

The following documents have been submitted:

Millers Homes Phase (per condition 6)

- Document titled Construction Method Statement, Site Management & Environmental Plan ref. C
- Plan titled Construction Management Plan, ref. BMF 12 rev. D
- Miller Homes' Waste Guide, dated December 2023.

Vistry Phase (per condition 6)

- Document titled Blackmoorfoot Road: Enabling Works Programme
- Document titled Construction Method Statement (updated April 2025)
- Plan ref. 008-01 rev. E
- Plan ref. VWY-CL-01 rev. A
- Plan ref. VWY-CL-02 rev. A
- Plan ref. VWY-WSCL-01 rev. A

I can confirm that the submitted details, for the respective phase, are considered acceptable and are hereby approved.

Notwithstanding the above, you are reminded that condition 7 has the below ongoing requirement. The ongoing requirement must be adhered to, to ensure ongoing compliance with condition 7:

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.

Condition 13 (Refuse Collection/Storage Details)

Final dedicated plan(s) of the refuse collection and storage areas have not been provided for either the Millers Homes or Vistry phases. It is also acknowledged that the reserved matters applications (2024/92235 and 2024/92365), where layout (and therefore the refuse collection and storage points) are pending consideration and the plans are subject to change.

Instead of detailed plans, the following principles have been proposed (for both phases):

- All units to have dedicated storage, within the rear gardens wherever possible, of a minimum of 3 standard residential bins. If gardens are at a different level, i.e., accessed via steps or the minimum drag distances permitted under building regulations so dictate, storage may be provided at the front but would be screened by suitably designed 1.2m timber fencing.

- All gardens to have level external access for movement of bins from the dedicated storage space to the front of a property, unless stairs are necessary.
- All units (including where driveways are shared) to have space for bin presentation off-road (including off the footway), via either dedicated presentation point, in-plot footpath, or adequate space on driveway which would not conflict with vehicle movements.

While it is acknowledged that plans have not been provided, officers are satisfied that the implementation of the above principles would comply with the initial requirements of condition 13. Subject to the development(s) being undertaken in accordance with these principles, condition 13's initial requirement would be satisfied. Based on this, officers hereby approve the submitted details for condition 13's initial requirement.

Notwithstanding the above, you are reminded of condition 13's ongoing requirement:

The approved details shall be provided before first occupation of the dwellings in that phase and shall be so retained thereafter.

For the avoidance of doubt, if any plot is delivered without waste storage and/or collection facilities that comply with the above principles, the LPA would likely view it as a breach of condition 13.

Condition 29 (Air Quality Impact Assessment)

You have submitted the Air Quality Assessment by SLR, dated 2 October 2024, Project No: 410.065276.00001 pursuant to condition 29.

I can confirm that the submitted details are acceptable for the initial requirements of the condition.

Notwithstanding the above, you are reminded that condition 29 has the below ongoing requirement which must be adhered to, to ensure ongoing compliance with the condition:

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.

Condition 36 (Noise Assessment)

You have submitted the Noise Impact Assessment (NIA) from SLR dated 16 December 2024 Ref 410.065276.00001 Rev04 pursuant to condition 36.

I can confirm that the submitted details are acceptable for the initial requirements of the condition.

Notwithstanding the above, you are reminded that condition 36 has the below ongoing requirement which must be adhered to, to ensure ongoing compliance with the condition:

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.

Condition 39 (Crime Reduction Measures)

You have submitted the document titled 'Secure by Design', by nineteen47, pursuant to condition 39. The details relate to the residential aspects of the proposal only, as identified within plan ref. 426 rev. F.

The submitted details set out principles for delivering a safe and secure environment. The details provided are acceptable, for the initial requirement of condition 39 (in so far it relates to the residential element, only) and are hereby approved. However, be aware that the condition has an ongoing requirement, which must be adhered to, to ensure continued compliance. This requirement is:

The development of that phase shall be implemented in accordance with the approved details and retained thereafter.

Furthermore, it should be noted that the principles set out in the approved document must be reflected in any relevant reserved matters submission, to comply with the above requirement. If the reserved matters submission, and subsequent implementation, does not adhere to the details provided within the approved document, you may be in breach of the condition.

Condition 41 (Carbon Reduction Measures)

You have submitted the following documents pursuant to condition 41:

- Energy Statement by Matthew Hurd, dated July 2024: this document relates to the Miller phases of development, per the phasing plan ref. 426 rev. F.
- Energy and Sustainability Statement Rev. 2 by AES Sustainability Consultant Ltd, dated July 2024: this document relates to the Vistry phases of development, per the phasing plan ref. 426 rev. F.

I can confirm that the submitted details are acceptable and are hereby approved, in so far as they relate to the identified phases.

Notwithstanding the above, you are reminded that condition 41 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance:

The development of that phase shall be constructed in accordance with the approved details and all approved measures thereafter retained.