

CONSULTATION RESPONSE TO PLANNING APPLICATION

To Planning Services, Kirklees Metropolitan Council, PO Box B93, Civic Centre, Huddersfield HD1 2JR

For the attention of **Kate Mansell**

Application No. **2020/92546**

Development **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.**

Site Address **Empire Knight Group Ltd Land off, Blackmoorfoot Road and Felks Street, Crosland Moor, Huddersfield, HD4**

THANK YOU FOR YOUR CONSULTATION. AS KIRKLEES COUNCIL'S OFFICIALLY RETAINED PROFESSIONAL ADVISORS ON THE HISTORIC ENVIRONMENT, THE WEST YORKSHIRE ARCHAEOLOGY ADVISORY SERVICE WOULD MAKE THE FOLLOWING COMMENTS –

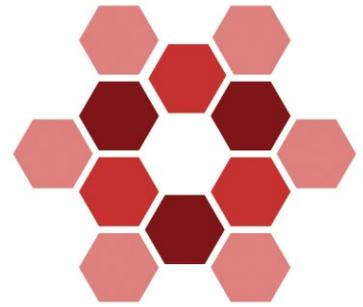
Statement of Significance

The application site is located in an area of known archaeological potential on a plateau above the Calder Valley to the north and Holme Valley to the south at a height of around 220m. Although a large portion of the site has been subject to quarrying and later used as fireworks factory areas to the north and south-west appears to have remained in agricultural uses.

There is some evidence suggesting potential for later prehistoric to Iron Age and Romano British activity in the vicinity. A flint implement, possibly a barded and tanged arrow head, was found of Gramfield Road to the north-east of the application site in 1970 and is indicative of activity during the Late Neolithic and Bronze Age around 4500 years ago (West Yorkshire Historic Environment Record PRN1190).

The First Edition Ordnance Survey Map marks the earthwork remains of a “camp” or enclosure some 740m to the south of the site. This location was developed in the 20th century although further, possibly associated remains are present close by (PRN 13 & 3832). These remains are indicative of Iron Age and Romano-British farmstead enclosures.

Given the large area of the site has not been disturbed by industrial activities and remains in agricultural use the WYAAS recommend that these locations are subject to further archaeological evaluation.



The sites use as a fireworks factory from 1910 is of archaeological and architectural interest. Whilst many of the buildings present are modern in date aerial photographs suggest some evidence of earlier structures survives. The layout and use of the fireworks factory, which exploits a number of earlier quarries is worthy of record prior to its demolition.

Given this potential the WYAAS recommend that the application site is the subject a full archaeological evaluation prior to determining the application. *Following this further field work, including archaeological excavation, may be recommended.*

Impact of Proposed Development

Construction of the proposed residential development allied infrastructure and access may uncover and destroy important archaeological evidence ranging in date from prehistoric era to Romano-British periods.

Evidence of the site's use as a fireworks factory associated with the famous Black Cat brand will be destroyed.

Recommended Course of Action

We recommend that, in accordance with the policies cited above, the developer be required to provide the Planning Authority with an archaeological evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. We recommend that this evaluation should be carried out prior to the determination of this application as required by the NPPF.

The evaluation would involve a geophysical survey and excavation of a number of archaeological evaluation trenches. This work should be carried out prior to determining the application.

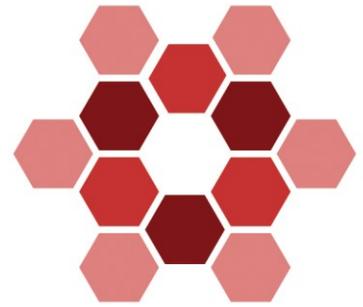
Further archaeological advice will depend upon the results of the evaluation but may vary from: a recommendation for refusal of the application, to carry out archaeological recording in advance of development (an excavation), or to have an archaeologist on site during groundworks to record anything of interest that is revealed (a 'watching brief').

We advise that it is in the developer's interests to carry out the evaluation as early as possible, in order that the full implications of any archaeological discoveries can be taken account of when planning the project.

An archaeological and architectural record of the Black Cat Fireworks factory should be made prior to its demolition.

Relevant Policies

The National Planning Policy Framework (February 2019), paragraph 192 states that 'Where a site on which development is proposed includes, or has the potential to include, heritage assets



with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.

Paragraph 197 then states, “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” and thus will require the site to be subject to an evaluation in order for the significance to be established.

The NPPF then goes on to say that should permission then be granted “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.” (paragraph 199).

Kirklees Local Plan, Strategy and Policies (February 2019) makes provision for the retention and/or archaeological recording of non-designated heritage assets. Policy PLP 35.2 states that “the developer will be required to make adequate provision for excavation and recording before or during development.”.

Recommended Planning Condition

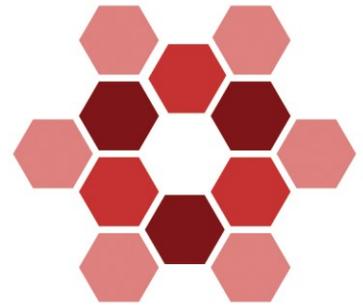
The WYAAS’ recommends that the site is subject to an archaeological evaluation prior determining the application. A record of the Black Cat Fireworks Factory should also be made.

This advice is in keeping with both national and local policy. Should this advice be ignored then the WYAAS recommend the following condition, in accordance with the Department of the Environment’s Circular 11/95, is attached to any grant of planning permission awarded:

“No development to take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.”

Or, as an alternative to the above model condition which was first introduced in 1990, the following condition is suggested by Historic England in their Historic Environment Good Practice Advice, Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment, 2015 paragraph 37:

No development shall take place/commence until a written scheme of archaeological investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place



other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*
- 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*

Detail of Archaeological Investigation

Details of the necessary archaeological work, in the form of a specification, will be provided to the developer on written request, by the WY Archaeology Advisory Service in our capacity as Kirklees Planning Department's advisors on archaeological matters. The WY Archaeology Advisory Service will also be responsible for monitoring the work of the archaeological contractor commissioned by the developer to undertake this work, on behalf of the Planning Authority. From the 1st of April 2011 in accordance with an agreement of the Council Committee that oversees our work the WY Archaeology Advisory Service will charge for these and concomitant services. Please note that the production of a specification may take up to three working weeks from receipt of a written request. It is in the applicant's interest that they be made aware of this likely timescale.

The WY Archaeology Advisory Service can also provide a list of archaeological contractors who may be available to tender for the work. In order to aid the developer to meet the requirements of the above condition I would suggest that it might be helpful to add the following as a note to the planning permission:

"For further information please contact: David Hunter, West Yorkshire Archaeology Advisory Service: 0113 5350300."

We would strongly suggest that the developer be advised that a reasonable period of time for the execution of the necessary archaeological work must be allowed for within the overall site timetable. Any commencement of work on site prior to the approval and implementation of an archaeological specification, and/or any failure to schedule work properly that results in inadequate archaeological recording, should be deemed by the Planning Department to be a breach of the planning condition.

Copy of decision notice required? Yes

Date of Response 10/9/20
WYAAS Contact Officer David Hunter
Telephone 0113 5350300
WYAS AS ref. P/K/20(10.8)

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David Hunter
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