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**Report of the Head of Strategic Investment****STRATEGIC PLANNING COMMITTEE****Date: 03-Jan-2019**

**Subject: Planning Application 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 350 sq m (Use Classes C2/C3/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 Land off, Blackmoorfoot Road and Felks Street, Crosland Moor, Huddersfield, HD4 7AD**

**APPLICANT**

Empire Knight Group Ltd

**DATE VALID**

06-Mar-2018

**TARGET DATE**

05-Jun-2018

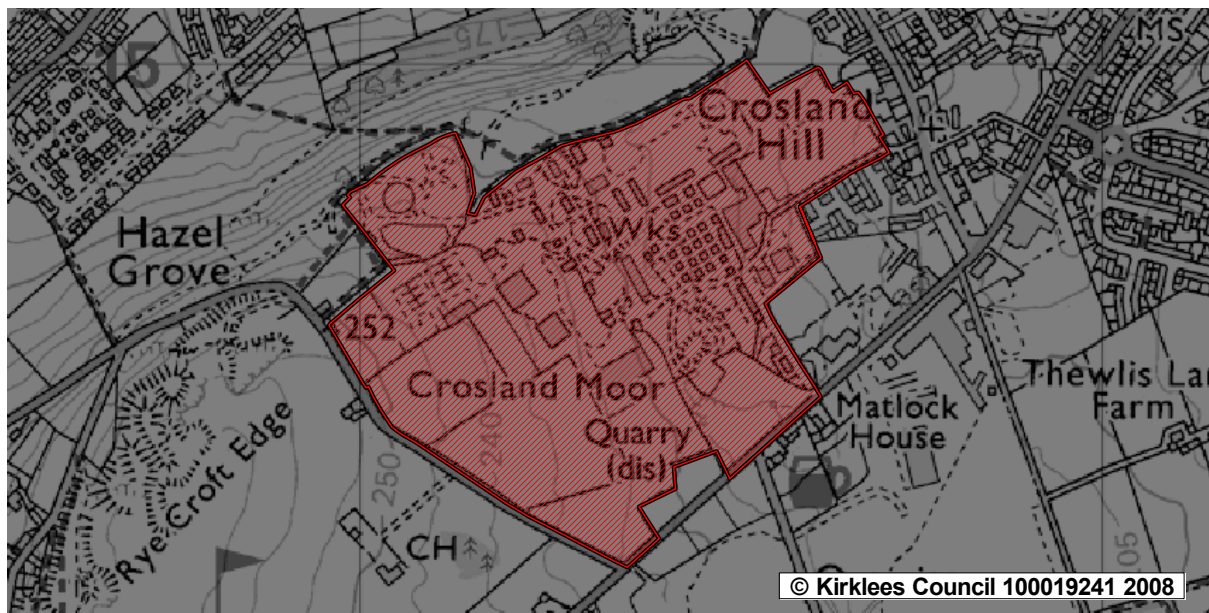
**EXTENSION EXPIRY DATE**

31-Mar-2019

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**

**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Crosland Moor and Netherton.  
Colne Valley**

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

**POSITION STATEMENT – For Members to note the content of the report and presentation, and to respond to the questions at the end of each section.**

**1.0 INTRODUCTION:**

- 1.1 This proposal represents a departure from the Kirklees Unitary Development Plan and is a scale that would need to be considered by the Strategic Committee under the Delegation Arrangements.
- 1.2 The council's Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. A Position Statement sets out the details of an application, the consultation responses and representations received to date, and the main planning issues relevant to the application.
- 1.3 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the application, and discussions between officers and the applicant. This Position Statement does not include a formal recommendation for determination. Discussion relating to this Position Statement would not predetermine the application and would not create concerns regarding a potential challenge to a subsequent decision on the application made at a later date by the Committee.
- 1.4 Members may recall a preapplication presentation earlier in the year which included a site visit. The masterplan elements of the scheme are largely unchanged from that meeting but details on the impacts and planning policy requirements of the scheme weren't discussed in depth and the subsequent viability issues with the scheme were not unknown at the time which have been a central element of the consideration of the current application and are discussed in detail within the report.

**2.0 SITE AND SURROUNDINGS:**

- 2.1. The application site comprises an area of 29.3 ha which includes the current Black Cat business and is located approx.3.5k to the south west of Huddersfield town centre The Back Cat site contains a large number of storage sheds, well-spaced about the site, with extensive areas of hardstanding storage sites and roads. The site is accessed off Blackmoorfoot Road via Standard Drive, which also served a number of dwellings and the reception/ office area. The dwellings

are associated with the site. The site is used for the storage of explosives, and provides employment for approximately 20-25 people on site. The Black Cat site is bordered by fields to the south and west. To the north is an area which is within the same ownership that forms a ridged area along the southern side of the valley. There are a significant number of mature trees on the perimeter and across the site.

- 2.2. The sites main frontage is onto Blackmoorfoot Road, but it also has frontage onto Felkes Stile Road. On the opposite side of Felkes Stile Road to the east, is the Crosland Heath Golf Course. To the west of the site are dwellings and properties along Crosland Road, including a farm complex, which contains a Grade 2\* listed building. The area to the north of the existing factory site is within the green belt, and contains a number of public rights of way.
- 2.2. On the Unitary Development Plan the site is a mixture of uses ie the existing factory site is unallocated, the neighbouring fields are allocated as Provisional Open Land, and the northern area is green belt.

### **3.0 PROPOSAL:**

- 3.1 Outline permission is sought for residential development of up to 630 dwellings, up to 70 care apartments, a doctors surgery of up to 350 sq m, and mall unit of up to 500sq m for a potential variety of uses ie A1( retail), A2; (professional services); A3 (food and drink); A4 (drinking establishments);A5 (hot food takeaway)and D1 (non-residential institution) – or a combination of these.
- 3.2. Other than the principle of development, access is the only matter to be considered at this stage with Appearance, Landscaping, Layout and Scale all reserved for subsequent approval and will be submitted through reserved matters applications. The point of access is taken off Blackmoorfoot Road close to the existing access point Standard Drive into the Black Cat site, and also off Felkes Stile Road.
- 3.3. Whilst this application is in outline the applicants have submitted an indicative layout with the application which indicates the type of development that could be achieved on the site. This plan shows 630 dwellings a mixture of detached, semi-detached and terraced across the site. In the SW corner of the site at the junction of Blackmoorfoot Road and Felkes Stile Road is a block containing up to 70 extra care apartments. This is near the proposed vehicular access off Felkes Stile Road and there is an existing bus stop on that corner for trips towards Huddersfield.
- 3.4. The indicative scheme maintains significant green areas, including mature trees around the perimeter of the site particularly on Blackmoorfoot Road, and Felkes Stile Road, so the dwellings are actually set well back into the site. There are a number of green spaces across the site, including central green spine running SW to NE across the site. This includes a pedestrian route linking with an existing footpath at the NE corner of the site linking onto Crosland Hill Road. The green spaces include an open area on the eastern edge of the site, which acts as a form of buffer between the development and the Crosland Hill Farm listed buildings.
- 3.5. To the north the area of green belt containing a number of footpaths is retained free of development, with footpath connections linking into the site. An area towards the NW boundary is indicated as an area for “natural play”.

- 3.6. The Blackmoorfoot Road, is flanked by two areas of open land and retained trees, and just off that access the proposed 350 sq m. mixed use unit would be located quite close to the main access.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1. 2017/20381. A pre application enquiry was submitted for the use of this site for up to 700 dwellings, with access taken off Blackmoorfoot Road and Felkes Stile Road, and a 500 sq m retail unit in the SE corner of the site.
- 4.2. This was considered by the Strategic Committee at their meeting on 11/1/18. The Committee also undertook a site visit.

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

- 5.1 This proposal was the subject of a pre- application enquiry 2017/20381 that was considered at the Strategic Planning Committee on 11/1/18. The proposal for up to 700 additional dwellings was generally well received, and it was acknowledged that the scheme would make a significant and welcome contribution towards the Councils housing supply.
- 5.2 Concerns were raised that the access point to the site from Blackmoorfoot Road would need to be justified and that the strategic network be able to cope with the additional traffic, and that other commitments nearby be included and taken account of in any submission.
- 5.3 Extensive negotiation has taken place between the applicants and Highways Services on the adequacy of the strategic network and any mitigation that may be deliverable. (This is reported in the Highways section of the assessment).
- 5.4 Negotiations have taken place regarding the drainage solution on the site, and this has been satisfactorily resolved and can be appropriately conditioned.
- 5.5. With the application (unlike the pre application submission) the applicants submitted a viability appraisal, indicating that the site wasn't viable with Section 106 contributions and only made provision of £630,000 for all contributions. There have been discussions and meeting regarding this with the developers and external bodies eg Homes England, to try and narrow what is an enormous gap between the applicant's offer and policy compliant contributions. (These are detailed in the first section of the assessment under "viability").

#### **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 material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the

Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

#### Site Designation

- 6.2. Currently in the Unitary Development Plan the site is a mixture of allocations including unallocated (factory site), Provisional Open Land to the east and west and the area to the north of the factory is green belt
- 6.3 In the Emerging Local Plan, the site was originally allocated a mixed use (employment and residential), this was the subject of a modification, and the site is now allocated as a full residential use, in the Emerging Local Plan.

#### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.4
- D2 Unallocated
  - B4 Change of use of land and buildings last used for business and industry;
  - BE1 Design principles
  - BE2 Quality of design
  - G6 Land contamination;
  - T10 Highways safety
  - T19 Parking standards
  - H10 Affordable housing
  - H18 Provision of public open space
  - T16 Footpaths as part of the development
  - Kirklees Interim Affordable Housing Policy
  - Kirklees Education Policy meeting needs generated by new developments.

#### Emerging local Plan

- 6.5
- PLP3 Location of new development
  - PLP5 Master planning of sites
  - PLP7 Efficient use of land and buildings
  - PLP8 Safeguarding employment land and premises
  - PLP9 Supporting skilled and flexible communities and workforce
  - PLP11 Housing mix and affordable housing
  - PLP13 Town Centre Uses
  - PLP20 Sustainable travel
  - PLP21 Highways safety and access
  - PLP22 Parking
  - PLP24 Design
  - PLP27 Flood Risk
  - PLP28 Drainage
  - PLP30 Biodiversity and geodiversity
  - PLP32 Landscape
  - PLP33 Trees

- PLP38 Minerals safeguarding
- PLP49 Education and Health care needs
- PLP51 Protection and improvement of local air quality
- PLP53 Contaminated and unstable land
- PLP63 New Open Space

### National Planning Policy Framework.

#### 6.6

- Part 2. Achieving sustainable development
- Part 5. Delivering a sufficient supply of homes
- Part 8 Promoting healthy and safe communities
- Part 9 Promoting sustainable transport
- Part 11 Making efficient use of land
- Part 12 Achieving well designed spaces
- Part 13 Protecting green belt land
- Part 14 Meeting the challenge of climate change, flooding and coastal change
- Part 15 Conserving and enhancing the natural environment
- Part 16 Conserving and enhancing the historic environment

#### **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 This application has been publicised by site notices and neighbour letters, and it has been advertised as a departure from the UDP.
- 7.2 One letter of representation has been received, this sought clarification of the relationship between the main access to the site off Blackmoorfoot Road, and the existing access for a dwelling on the opposite side of the road.
- 7.3 The Council for the Preservation of Rural England- Raise no objection in principle to the ultimate use of the site for residential or mixed use

#### **8.0 CONSULTATION RESPONSES:**

##### **8.1 Statutory:**

**The Coal Authority-** No objections

**The Environment Agency-** No objections

**KC Lead Local Flood Authority-** Support the outline application subject to the imposition of conditions.

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

**Historic England-** Do not offer any comments. Recommend the Councils own specialists team give advice on this matter

##### **8.2 Non-statutory:**

**KC Education Service-** A financial contribution of £1,611,697 would be required in this case.

**Yorkshire Water Authority-** Recommend conditions if approved.

**KC Strategic Housing-** There is a demonstrable need for affordable housing in the area. The Councils interim affordable housing policy seeks 20% of numbers of units. The preferred tenure split is 55% social rental and 45%intermediate. This housing should be provided on the site. There is a need for Extra Care units within the district and this element is supported in principle.

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

**KC Trees-** No objections to the outline or principle of the use. Any Reserved matters should make provision of 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 Business and Economy-** Support the scheme, and the economic opportunities it provides during construction for the local economy.

**Police Architectural Liaison Officer-** No objections to the principle of the development, which is still only at outline stage. Any reserved matters submission should take account of designing out crime measures. Request that they are re notified

## **9.0 MAIN ISSUES**

- Principle of development and policy
- Highways Issues
- Urban design and heritage issues
- Landscape/ Biodiversity Issues
- Drainage Issues
- Environmental Issues (Decontamination/remediation; air quality; noise; lighting)

## **10.0 APPRAISAL**

### Principle of development and policy

- 10.1 The site is currently a mixture of allocations on the Unitary Development Plan, including Provisional Open Land, and green belt, as well as the factory site itself which is unallocated. Within the Emerging Local Plan the original allocation of the site for mixed use (residential and employment) was the subject of an amendment to an entirely residential designation. The rationale for this amendment was that a mixed use allocation rendered the site unviable. The Local Planning Authority supported this amendment, and it was supported by the Inspector. As such the site is now allocated entirely for residential in the Emerging Local Plan.
- 10.2. Given that part of the site is currently POL the scheme has been advertised as a departure, and in the current situation with the Council unable to demonstrate a 5 year supply of deliverable housing, development on POL sites has been accepted previously. As such the principle of development for residential would be acceptable.

- 10.3. The applicants have agreed to an extension for time within which to determine this application until the 31<sup>st</sup> March 2019, by which time the Emerging Local Plan should be adopted and therefore an entirely residential scheme will be accord with the development plan for Kirklees.
- 10.4. Currently a large portion of the site still contains a working factory, so Policy B4 of the Unitary Development Plan is relevant. This seeks to safeguard existing employment sites, unless there is no potential of them being reused. The applicants have indicated that it is their intention to seek an alternative location for the factory, and have begun a search. Given the history of the site and its uses, it is unlikely that an alternative employment user would be forthcoming, and the Council has accepted this by supporting the amendment to the Local Plan. As such it is not considered any objection to the loss of the employment site could be sustained.
- 10.5. The application contains a small unit (350 sq.m) that could be used for retail or other commercial, town centre uses). Whilst this location is out of centre, the limited scale of the unit would not rise to the level of having any meaningful retail impact on existing centres, nor would a sequential test be required.
- 10.6. Notwithstanding its residential allocation, the site is also within a Minerals Safeguarded Area and subject to policy PLP38 of the Emerging Local Plan. This policy presumes in favour of safeguarding minerals, unless it can be demonstrated that the minerals have no economic value that could be extracted before any future development phase, or if there is an overriding need for the development.
- 10.7. 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. However the applicants should still, provide evidence as to the reasons why the recovery of the mineral is uneconomic. Officers have requested that the applicants address this matter of policy.
- 10.8. As stated earlier there is no objection in principle to the residential use, and the residential allocation has been supported within the Local Plan as a viable and deliverable site. If a site could not be demonstrated to satisfy these requirements as part of the Local Plan process alternative sites would be sought. In addition the guidance in the updated National Planning Policy Framework indicates that there should be a presumption that any scheme for housing that comes forward is viable and deliverable.
- 10.9. It is recognised that the extra care facility would assist in addressing existing shortfalls in this type of accommodation within the district however officers are concerned about the proximity of this particular location to existing services and community facilities given the needs of the occupiers.
- 10.9. Given the scale of the development, relevant policies in both the Unitary Development Plan and the Emerging Local Plan relating to affordable housing, provision of public open space and Education Contributions are all relevant.
- 10.10. Policy compliant contributions in this case would be:
- 20% affordable housing units ie approx. 140 ( though there would likely be a reduction for the application of Vacant Building Credit)



- The on-site provision and maintenance of the public open spaces shown in the indicative layout; and
- An Education contribution of £1,611,697.

10.11. In addition to these contributions a contribution towards the improvement of the junction at Longroyd Bridge of £592,000 would be required, and METRO have indicated contributions of £1,075,000, would be requested this breaks down into;

- Extending the bus service for an extra 5 years £150,000 per annum ie £750,000;
- New bus shelter £13,000; and
- METRO cards/ passes £312,000.

### Viability

10.12. The applicants have made an allowance of £1,000 per market dwelling to account for all Section 106 costs ie a total of £630,000.

10.13. The applicants have submitted a viability appraisal that has been independently assessed, at the expense of the applicant. The Independent Assessor concludes that the scheme fully compliant with planning policy is unviable. Also the Assessment is made upon the basis of the information provided which is in a number of ways lacking and not a satisfactory basis to draw meaningful conclusions for example the levels of abnormalities across the site are extremely high, yet no specific layout is applied for, against which to develop a realistic remediation strategy and attribute an accurate cost.

10.14. In the opinion of officers, it would not be a credible position for the council to take a final and binding decision on the level of Section 106 contributions that aren't policy compliant at this stage. Particularly for a site of this scale which if developed would likely be under construction for up to 8 years.

10.15. As such the current Section 106 offer is not acceptable, and would not be recommended to Committee. Also of relevance is why the residential allocation was put forward to the Local Plan inquiry as a viable option to the previous mixed use scheme.

10.16. There have been negotiations with the applicants on the viability issues, as well as the highways issues, given the site location and need for access off Blackmoorfoot Road, the aim of these negotiations has been to narrow the deficit that exists between the offer and the policy requirements. There are various options that the Council could broker with external bodies to help to reduce the deficits, and technical approaches such as periodic reappraisals that would redistribute any overage over the lifetime towards the S106 contributions.

10.17 The applicants' response has not been satisfactory and it is not considered that there has been meaningful engagement in this process. For the Brokerage process mentioned earlier to be initiated a much greater degree of certainty is needed as to the intentions of the developer, ie are they going to develop themselves, or bring in a partner, if so then is there a developer to negotiate with? If it is the intention of the developer to sell on a planning permission with no 106 obligations then that is an unsatisfactory position from Officer's perspective of the scheme.

**Do Members have any comments in relation to the site allocation, land use, economic impact and the principle of development? And do Members have any comments questions regarding the viability issues?**

### Highway issues

10.18 The application has been accompanied by a full Traffic Impact Assessment, the consideration of which is detailed below. The traffic highways issues on this scheme need to be considered at a number of different levels ie

- Strategically
- Immediate site and surrounds and access points; and
- Internally.

### Quantification and assessment of impact (strategically)

10.19 This was carried out using the Council's own generation, distribution and assignment calculations. The latter two elements were undertaken using a gravity model and hand assignment. The impact was determined using the developer's traffic signal operational assessment model (LINSIG) that the Council's UTC Team has deemed fit for purpose. The primary concern is the first signalised junction on the network; Blackmoorfoot Road and the junction of Park Road East and West. A summary of the LINSIG results is reproduced below:

Average Delay per vehicle in the junction (secs)								
	2017 Surveys	2022 traffic growth BUT NO development at Black Cat	2022 traffic growth WITH development at Black Cat	Increase in delay in 2022 as a result of Black Cat development		2031 Traffic Growth BUT NO development at Black Cat	2031 Traffic Growth WITH development at Black Cat	Increase in delay 2022 to 2031 as a result of Black Cat development
AM	26.7	31	49.5	18.5 (49.5-31)		34.8	79.1	48.1 (79.1-31)
PM	27.0	33.9	66.4	32.5 (66.4-33.9)		40.9	111.1	77.2 (111.1-33.9)

10.20. The impact of the proposed development can be clearly seen. For example in the PM the average delay per vehicle at the junction *without* the development is 40.9 seconds, but *with* the development it is 111.1 seconds. Clearly this is the worst-case scenario, but on average, in both AM and PM scenarios the development adds an extra 25 seconds to existing delay in 2022  $((18.5+32.5)/2)$  and over a minute (1 minute) in 2031  $((52.4+84.1)/2)$  The mean maximum queues in both scenarios show some quite significant increase too:

Mean Maximum Queue Length (m)								
	2017 Surveys	2022 traffic growth BUT NO development at Black Cat	2022 traffic growth WITH development at Black Cat	Increase in queue length in 2022 as a result of Black Cat development		2031 Traffic Growth BUT NO development at Black Cat	2031 Traffic Growth WITH development at Black Cat	Increase in delay 2022 to 2031 as a result of Black Cat development
AM	41.8	58.9	96.9	38 (96.9-58.9)		68.6	147.1	88.2 (147.1-58.9)
PM	43.7	70.3	126.4	56.1 (126.4-70.3)		87	202.8	132.5 (202.8-70.3)

10.21. Whilst it is accepted that congestion will increase at the junction in line with current traffic forecasts without the development, it is the scale of extra delay and queue length that this development incurs that is of note for this assessment.

This notes sets out to answer the following two questions:

- 1- What is the effect of the development on the local highway network?
- 2- What mitigation might be necessary?

The first question is addressed with the work detailed above. It is understood that this it only looks at the one signalised junction on the highway network, but this is the one that is most problematic as it is the first one the traffic encounters on the network after having been generated, distributed and assigned from the site. There are of course other junctions where the impact may be substantial, but this is the one that needs to be solved first in terms of mitigating the effect of the development, which brings the second question to the fore.

#### 10.22. What mitigation might be necessary?

The Transportation section has looked at this junction in a lot of detail and due to the constrained nature of the junction and the fact that there are properties on all sides abutting the highway boundary, it is difficult to find a solution that does not involve some kind of substantial land take. In instances where this occurs, the advice from the Department for Transport is to undertake some form of dynamic modelling on the basis that drivers will not all take the same route from the development through the junction in question as a result of the congestion. The assessment undertaken to date assumes a fixed route matrix.

10.23. The information above indicates that there will be an impact on the existing road network, increasing waiting times during peak hours. The options to improve the network (ie junctions along Blackmoorfoot Road, are limited given the amount of additional land take that would be required.

10.24 At the bottom of Blackmoorfoot Road near Longroyd Bridge there is an opportunity to improve the Longroyd Bridge junction, that would have a benefit for the wider area of SW Huddersfield. An appropriate financial contribution towards this scheme from the Black Cat development would be £592,000, and this would need to be secured via a Section 106 Agreement.

- 10.25 The immediate site and surrounds and proposed access. The 2 principle access points are considered to be in satisfactory locations (indeed the Blackmoorfoot Road entrance is essentially the existing Standard Drive into the Black Cat factory site). Adequate visibility can be achieved, and there is no conflict with accesses on the opposite side of the road either on Blackmoorfoot Road or Felkes Stile Road.
- 10.25. Internal layout. This application is outline only with layout being a reserved matter. However the indicative masterplan does show a broadly acceptable street pattern, with appropriate breaks the street hierarchy to facilitate good improved layout, and appearance, with the use of private drives and shared access ways. It is considered that the layout shown could be satisfactorily served by refuse disposal wagons, and any associated deliveries.
- 10.26. There are a number of footpaths to the north of the site within the linear park area, and the site does link to an existing footpath at the NE corner of the site onto Crosland Hill Road. There is a pedestrian link across the whole site SW-NE that links Felkes Stile Road to Crosland Hill Road, this is within a central green “spine “that crosses the site. There are a number of links to other parts of the site, including open space areas, and also links out onto the Linear park and the existing footpath network. As such it is considered that the masterplan makes good provision for pedestrian usage and delivers a permeable scheme.

### **Do Members have any comments in relation to highways issues?**

#### Urban Design and Heritage issues

- 10.27 The scale of the site is such that the masterplan approach required in policy PLP5 of the Emerging Local Plan is wholly appropriate. The master planning approach that has been undertaken since the pre application stages, has been well considered, and taken account of public consultation, site constraints and technical constraints ( eg drainage solutions.)
- 10.28. The indicative layout provides for a density of approx. 30 per ha, which is considered an appropriate density for this location and area. However given the size of the site it is considered possible to increase the density to approx. 35 per ha in accordance with the guidance in the Emerging Local Plan, and still deliver a scheme that is appropriate for the area. There will need to be significant reasons why a minimum of 35 dwellings per hectare cannot be achieved and officers have requested that the applicants address this point.
- 10.29. With the exception of the care apartments the majority of the housing appears to be 2 no storey, which is considered to be acceptable in this location. Given the sites prominence, as viewed from distance from the north, it is considered that low rise buildings are a more satisfactory solution within the wider landscape.
- 10.30. The scheme includes substantial areas of open space with large areas located at the main entrance points off Blackmoorfoot Road and Felkes Stile Road, a central linear spine of open space set adjacent to a footpath and a central park area. In addition to the north the green belt land, also within the ownership, of the applicant is retained in open use as a linear park associated with the

footpaths that run along it, and a sizeable natural play area to the NW of the site.

- 10.31. The indicative layout, for the most part shows the housing set back from the two road frontages, with ample room for landscaping and retention of existing mature trees.

#### Heritage

- 10.32. On the boundary on the NE edge of the site is a grouping of listed buildings off Crosland Road, and Farmhouse Court that are listed structures including Grade 2\* Crosland Hall. This grouping is of outstanding character and is a heritage asset of the highest significance.
- 10.33. The grouping has an extensive garden area which extends to the NE boundary of the application site which is bounded by dry stone wall. The site adjacent the listed grouping is currently a field under plough, with the green field edge and a number of trees within the field edge. It is proposed to retain approximately half of this field (approx. 30m depth) as open land to create a buffer zone between the site and the listed grouping to safeguard its setting. In addition there is additional tree planting proposed along that boundary to augment the existing trees. As such it is considered that the setting of the Grade 2\* listed building is adequately safeguarded.

#### **Do Members have any comments in relation to Urban Design or Heritage Issues?**

#### Landscape/Tree and Bio-diversity issues

- 10.34. The application has been accompanied by a Landscape Visual Impact Assessment, given the sites scale and prominence as viewed from distance, especially across the Cone Valley to the north. It is considered that the LVIA has been robustly undertaken with numerous receptors included in all directions, and the level and scope of the impact of the development of this site accurately. The existing landscaping and tree which surround significant parts of the site have been retained in order to mitigate against the impact and “intervene” with certain views. The retention of the linear park area (within the green belt), located on the ridge line reduces the impact of the site as viewed from the north. The low level nature of the development, ie mainly 2 no storeys, set bin from the edges of the site is considered appropriate for this location.
- 10.35. The protected trees around the perimeter of the site should be capable of being retained and incorporated into any layout as indicated on the masterplan, and a landscape scheme across the site could add to the existing levels of tree cover.
- 10.36. Within the site there are a number of areas of open space and green corridors that spread across the site, and are linked by footpath, and accessible to potential future users. Any POS for this scheme needs to be contained within the site, and there is a possibility of utilising the POS area on the NW edge as a “natural play area”. Any reserved matters stage landscape details would be required confirming the level and position of open space throughout the site, as well as proposals for streetscape planting to secure a greener streets within the development.

- 10.37. The applicant has submitted an Ecological Assessment that is based on sufficient scope to allow the likely impacts to be assessed for outline purposes. A number of important ecological factors present within the site that would require further investigation in order to inform adequate mitigation or measures for protection. The area to the north of the site, within the greenbelt, and associated planting is located within the Kirklees Wildlife Habitat Network, and there is an area of woodland that is indicated as being potentially removed that is of value, and the justification for this still needs to be made.
- 10.38. The creation of linear areas of open space linked together with footpaths is supported in principle.
- 10.39. There is substantial additional survey work needed to adequately inform a satisfactory layout that satisfactorily conserved what is of importance within the site, as well as delivering necessary enhancement. This should be conditioned and be an integral ingredient in the master planning of the site

**Do Members have any comments in relation to the issues of Landscaping, Trees or Bio- diversity?**

Drainage Issues

- 10.40. The site is located within Flood Zone 1 (ie the area least likely to flood), however given the size of the site, the applicant has submitted Flood Risk Assessment covering the issue of surface water issues on the site.
- 10.41. Given the slope across the site, and the underlying geology, there are large areas of the site that are unsuitable for infiltration, and on site storage would be necessary, with discharge at an agreed rate for the entire site as agreed by Yorkshire Water Authority. Given the scale of the site and the mix of uses and surfacing (ie there are very extensive areas of hard standing associated with the existing factory) there will need to be 2 outfalls ie Outfall A to Crosland Hill Road, and Outfall B to Blackmoorfoot Road and one it is proposed to condition the appropriate levels of discharge, as well as a reduction in existing run off from the hard standing areas. These rates would be Outfall A 27l/s and Outfall B 61l/s.
- 10.42. Given the increase in intensity of the use of Felkes Stile Road, additional on street drainage measures are likely to be required.
- 10.43. The issues of drainage, including temporary drainage during construction, and overland flood routing, are all capable of being dealt with by condition, and it is noted that the Environment Agency, Yorkshire Water Authority and the KC Lead Local Flood Authority, all raise no objections and are supportive of the scheme.

**Do Members have any comments in relation to drainage issues?**

Environmental Issues. (Decontamination/remediation; air quality; noise/ odours; and lighting

- 10.44. *Decontamination/remediation-* The applicants have submitted a Contaminated Land Report that has been found to be acceptable by Environmental Health Services. This report itself recommends a full ground gas assessment, be completed, prior to the adoption of any mitigation strategy. It is recommended that this be included within the conditions requiring the submission of a remediation statement and any necessary validation.

- 10.45. *Noise /odours-* The applicant has submitted a Noise report with the application that identifies 4 locations around the site for potential, traffic noise sources for new dwellings, but has also includes an assessment of potential noise from a nearby stone saw shed. Overall the report is considered to be satisfactory, and demonstrate that issues regarding noise on the site can be resolved by conditions and these are recommended. Given the scale of the site the mitigation, if needed at all should be provided a part of any full or reserved matters application that seeks approval for layout.
- 10.46. The issues of noise / odour relating to the 500 sq m multipurpose unit, need to be covered by conditions which extend to any potential end use of that building which might extend to food preparation uses eg A3, A4 and A5.
- 10.47. *Air Quality-* An Air Quality Impact Assessment has been submitted with the application, which covers the site as both a potential receptor and emitter. The report indicates that there would be a slight impact upon some receptors on Manchester Road, where the Council has declared an Air Quality Management Area However the impact is not sufficient reason to recommend refusal.
- 10.48. The size of the site is such that it falls into the category of a major development is defined in the West Yorkshire Low Emissions Strategy. Any Air Quality Assessment should therefore, should seek to quantify and value the predicted damage costs, and if necessary identify appropriate mitigation measures. As such the issue of Air Quality can be satisfactorily addressed by requiring the submission of a predicted damage calculation and an appropriate mitigation scheme. Also given the residential use, a condition requiring the provision of electric charging points would be appropriate.
- 10.49. *Lighting-* The applicants have submitted a Lighting Assessment of the site and its relationship to the surrounding area. The site is currently on the edge of town and the assessment has been carried out to ensure the site can be developed within the parameters of Environment Zone 2- the equivalent light generation/ environment of a rural area or village (the relevant zones range from E0- E4, with E0 being areas protected from any light pollution to E4 which would be a town or city centre.) Given the scale of the site, and the potential for impact of light pollution from distance this is considered to be an appropriate zone, on the fringes of a built up area.
- 10.50. Also given the nature of the site and the presence of certain habitats within and adjacent the site, this relatively low level of illuminance allows for habitat protection where necessary (eg in relation to trees on the edge of the site which are being retained as a means of seeking bio diversity enhancement.
- 10.51. As such the issue of lighting can be satisfactorily covered by conditions, which should stipulate ( as have the applicants themselves ) that the lighting levels conform to the limitations for Environment Zone 2, in the relevant guidance.

**Do Member have any comments regarding any of the above Environmental Issues ie Contamination/ remediation; Noise/ odours; Air Quality; or Lighting?**

## **11.0 CONCLUSION**

11.1 Members are asked to note the contents of this report. Members' comments in response to the questions listed below would help and inform ongoing consideration of the application, and discussions between officers and the applicant.

1. Do Members have any comments in relation to the site allocation, land use, economic impact and the principle of development? And do Members have any comments regarding viability issues?
2. Do Members have any comments in relation to highways issues?
3. Do Member shave any comments in relation to Urban Design and Heritage issues?
4. Do Members have any comments relation to the issues of landscaping, trees or bio-diversity?
5. Do Members have any comments in relation to drainage issues?
6. Do Members have any comments is relation to the Environmental Issues- Decontamination/ remediation; Noise/Odours; Air Quality; or Lighting
7. Do Members have any comments in relation to representations and other matters relevant to planning, and are there any other matters Members wish to raise

**Background Papers:**

Application and history files.

Website link to be inserted [here](#)

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