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:	2025/44/92887/W
Site Address:	Part of former St Luke's Hospital site, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RA
Description:	Discharge of details reserved by conditions 7 (Construction (Environmental) Management Plan), 8 (Construction Management Plan: Ecology), 10 (Phase 2 Site Investigation Report), 13 (Biodiversity Enhancement and Management Plan), 22 (Retaining Wall), 24 (Lighting) on previous permission 2023/91405 for erection of foodstore (Class E) with associated access, parking, servicing area and landscaping
Recommending Officer:	Louise Bearcroft

DECISION – Discharge of Condition – Split Decision

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

Nick Hirst

AUTHORISED OFFICER

Date: 15-Jul-2026

Application Reference: 2025/92887

Site Address: Part of former St Luke's Hospital site, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RA

Proposal - Discharge of details reserved by conditions 7 (Construction (Environmental) Management Plan), 8 (Construction Management Plan: Ecology), 10 (Phase 2 Site Investigation Report), 13 (Biodiversity Enhancement and Management Plan), 22 (Retaining Wall), 24 (Lighting) on previous permission 2023/91405 for erection of foodstore (Class E) with associated access, parking, servicing area and landscaping

Assessment

Condition 7 (Construction (Environmental) Management Plan

Condition wording

7. Prior to development commencing, a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- *Any phasing of development and timetable of all works;*
- *Hours of works;*
- *Construction access arrangements:*
- *Construction vehicle sizes and routes;*
- *Numbers and times of construction vehicle movements;*
- *Locations of HGV waiting areas and details of their management;*
- *Parking for construction workers;*
- *Loading and unloading of plant and materials;*
- *Storage of plant and materials;*
- *Signage;*
- *Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;*
- *Street sweeping;*
- *Measures to control and monitor the emission of dust and dirt during construction;*
- *Site waste management, including details of recycling/disposing of waste resulting from construction works;*
- *Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;* - *Artificial lighting used in connection with all construction-related activities and security of the construction site;*
- *Site manager and resident liaison officer contacts, including details of their remit and responsibilities;*
- *Means of engagement undertaken with local residents, occupants and/or their representatives, and means of continued engagement during the construction process; and*

• Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period). The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

***Reason:** In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity are devised and agreed at an appropriate stage of the development process.*

Documents Submitted

- Construction (Environmental) Management Plan – Biodiversity
- Construction Management Plan, drawing reference P504, Rev A

Consultation Responses

K.C Highways Development Management, via email dated 02/07/2026:

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The C(E)MP shall include details of:

- Any phasing of development and timetable of all works; no information provided on phasing or timetable of works.

-Hours of works; acceptable information provided on Construction management plan (CMP) and Construction Environmental Management Plan (CEMP) document.

-Construction access arrangements: acceptable site access indicated on CMP.

-Construction vehicle sizes and routes; no information provided on routing to and from the site.

- Numbers and times of construction vehicle movements; no information provided.

- Locations of HGV waiting areas and details of their management; no information provided.

- Parking for construction workers; acceptable detailed on submitted CMP.

- Loading and unloading of plant and materials; acceptable detailed on submitted CMP.

- Storage of plant and materials; acceptable site storage indicated on CMP.

- Signage; acceptable site signage provided on CMP.

- Measures to be taken to minimise the deposit of mud, grit and dirt on public

highways by vehicles travelling to and from the site, including the provision of

adequate wheel washing facilities within the site; acceptable wheel wash indicated on CMP.

- Street sweeping; acceptable Street sweeper indicated on CMP.

- Measures to control and monitor the emission of dust and dirt during construction; acceptable information provided in CEMP.

- Site waste management, including details of recycling/disposing of waste

resulting from construction works; acceptable area indicated on CMP.

- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries; no information provided on delivery timings however mitigation details provided on hours of working and vibration mitigation measures.

- Artificial lighting used in connection with all construction-related activities and security of the construction site; acceptable light mitigation measures provided in the CEMP.

Site manager and resident liaison officer contacts, including details of their

remit and responsibilities; No contact information provided at this time TBC

- Means of engagement undertaken with local residents, occupants and/or their representatives, and means of continued engagement during the construction process; and acceptable measures provided in CEMP.

- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be

carried out at nearby sites during the same period). No information provided

Assessment

K.C Highways Development Management have highlighted the sub-sections where insufficient information has been provided to discharge the condition. Officers concur with this assessment and consider the submission inadequate.

The applicant has been aware of the consultation response, and further information has been requested. At the time of writing no further information has been provided and accordingly condition 7 cannot be discharged at this time.

Condition 8 (Construction Management Plan: Ecology),

Condition 8 wording

8. Prior to development commencing, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:

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

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. Reason: To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid biodiversity impacts are devised and agreed at an appropriate stage of the development process

Documents Submitted

- Construction (Environmental) Management Plan – Biodiversity

Consultation Responses

K.C Ecology comments dated 16/10/2025:

The CEMP - Biodiversity is acceptable and in line with the requirements of the condition. Condition 8 is met.

Assessment

K.C. Ecology and planning officers are satisfied that the submitted document adequately addresses each point and the general expectations of condition 8. It demonstrates appropraitly how the development can be undertaken without causing undue harm to local ecological value and species.

Officers recommend that the details be approved, along with a note of the condition's ongoing requirement(s).

Condition 10 (Phase II)

Condition wording

10. Prior to development commencing (other than groundworks required for a site investigation report) a Phase II Intrusive Site Investigation Report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority.
Reason: *So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary as the undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.*

Documents Submitted

- Phase 2 Ground Investigation, report No.1219.01.01, dated March 2024

Consultation Responses

K.C Environmental Health, dated 29/10/25:

Environmental Health have been consulted in relation to condition 10 (Phase 2 Site Investigation Report). A Phase 2 Ground Investigation report by Remada Geo Consultants, ref:1219.01.01, dated March 2024, has been submitted in support of the application, the report contains geotechnical information that is beyond the remit of Environmental Health, this response is in relation to contaminated land.

The report describes the findings from fieldworks undertaken in January 2025. These included 13 windowless boreholes, with gas and groundwater monitoring, and the retrieval of soils for laboratory analysis and screening.

The fieldwork revealed strata conditions of made ground across the site to maximum depth of 2.5m containing some asphalt, granular brick and concrete, followed by a sandstone bedrock layer consistent with the geological mapping.

The laboratory testing and screening of 4 samples of made ground confirmed them to be free of asbestos. No visible or olfactory indicators were present in the samples recovered and whilst some contaminants were found to be present they were within the general assessment criteria (GAC) values for a commercial end use. 3 samples were assessed for waste criteria and found to be capable of classification as inert waste. Results are presented in Table 3. The report author informs the levels of contaminants found are consistent with made ground, they

are of low solubility and motility and therefore present a low risk to controlled waters.

Table 2 presents gas data, showing gas monitoring in 6 wells over 4 visits, peak methane 0.1% v/v, peak carbon dioxide at 1.1% v/v, we are informed monitoring visits were undertaken during periods of rising, steady and falling pressure trends over the preceding forty-eight hours. Using the data gathered the consultant has classified the site as Characteristic Situation Level 1. Thus, gas protection measures are not required.

The conceptual site model is presented in Table 5 indicating negligible risk to receptors and a gas Characteristic Situation Level 1, indicating remediation is not necessary.

The report confirms information on importation of clean materials and removal of waste.

We have reviewed the report and make the following recommendation. On the basis of the professional judgement of the report author and the evidence and interpretations presented in the Phase 2 Ground Investigation report by Remada Geo Consultants, ref:1219.01.01, dated March 2024, Environmental Health have no objection to the discharge of condition 10.

Assessment

Officers concur with the comments from K.C Environmental Health and the details are considered to be satisfactory of the purposes of satisfying the requirements of condition 10. As the condition has no ongoing requirements it may be discharged in full.

Condition 13 (BEMP)

Condition wording

13. Prior to above ground works commencing, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how a minimum of 0.36 habitat units to be achieved post development are to be provided on site and shall include details of the following:

- *Description and evaluation of features to be managed and enhanced;*
- *Extent and location/area of proposed enhancement works on appropriate scale maps and plans;*
- *Ecological trends and constraints on site that might influence management;*
- *Aims and Objectives of management;*
- *Appropriate management Actions for achieving Aims and Objectives;*

• An annual work programme (to cover an initial 5-year period capable of being rolled forward over a period of 30 years);
• Details of the management body or organisation responsible for implementation of the BEMP;
• Ongoing monitoring programme and remedial measures;
• The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years;
• Details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery;
and • Where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met, the BEMP shall detail how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. Thereafter the development shall be undertaken in accordance with the approved details. ***Reason:*** *In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.*

Documents Submitted

- Biodiversity Enhancement & Management Plan, report No.15131_R03_BP, dated September 2025

Consultation Responses

K.C Ecology, dated 16/10/25

The BEMP is acceptable and in line with the requirements of the condition. Condition 13 is met.

Assessment

Officers concur with the comments from K.C Ecology, and the details are considered to be satisfactory of the purposes of satisfying the requirements of condition 13. It is therefore recommended to be approved, with a note of the condition's ongoing requirement(s).

Condition 22 (External Facing Materials)

Condition wording:

22. Prior to their use, details of all the external facing materials for the proposed retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed

using the approved materials, prior to the hereby approved building being brought into use.
***Reason**: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan*

Documents Submitted

- Proposed Retaining Wall Elevation, ref P503.

Consultation Responses

K.C Highway Structures, dated 16/10/25

I would like to advise that planning condition 22 (retaining walls) can not be discharged pending the formal technical approval of the design of proposed retaining walls adjacent to the existing highway (via submission of an AIP).

Assessment

K.C Structures have advised that condition 22 cannot be discharged pending the formal technical approval of the design of proposed retaining walls adjacent to the existing highway (via submission of an Approval in Principle). Accordingly, condition 22 cannot be discharged at this time, ahead of the applicants receiving the relevant technical approval.

Condition 24 (External Lighting Design Strategy)

Condition wording

24. Before the installation of external artificial lighting commences, notwithstanding the submitted information, an External Lighting Design Strategy for Biodiversity and Residential Amenity shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:
• The proposed hours of operation of the lighting;
• The location and specification of all of the luminaires;
• The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated;
• The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity;
• The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site;
• The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required;
• Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

• Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy (once approved), and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
***Reason:** To safeguard the amenities of the occupiers of nearby properties, to protect wildlife and promote sustainable development in accordance with part 2 and 15 of the NPPF and Policies LP30 and LP52 of the Local Plan*

Documents Submitted

- External Lighting Impact Assessment

Consultation Responses

K.C Ecology, dated 16/10/25:

> *The external lighting assessment appears to be unavailable for review (the covering letter seems to be place of what is labelled as the external lighting assessment). If this can be provided so review can be completed.*

K.C Ecology, dated 15/12/25:

> *The now available external lighting assessment is acceptable and in line with the requirements of the condition, condition 24 is now met.*

Assessment

Officers concur with the comments from K.C Ecology, and the details are considered to be satisfactory of the purposes of satisfying the requirements of condition 24 with respect to any impact on wildlife.

In respect of the impact on amenity, officers note in Section 9.00 of the report that due consideration has been given to the impacts on residential properties in the surrounding area and the report demonstrates the lighting spill onto residential buildings is within limited values set out in ILE Guidance Note for Environmental Zone.

Overall, it is considered the details are satisfactory of the purposes of satisfying the requirements of condition 24, and they are recommended to be approved. A note of the condition's ongoing requirement(s) is recommended to be included on the decision notice.

Summary

The following recommendations have been made:

- Discharge conditions 8 (Construction Management Plan: Ecology), 10 (Phase 2 Site Investigation Report), 13 (Biodiversity Enhancement and Management Plan), 24 (Lighting)
- Unable to discharge conditions 7 (Construction (Environmental) Management Plan and 22 (Retaining Wall)

It is also recommended that the applicant be given additional time to address the outstanding issues, in the interest of working proactively and collaboratively with the applicant.

Recommendation: Spilt Decision, with additional time for further details to be submitted.

Date of Report 15.07.2026

Recommended Decision Notice Text

Overview

This letter sets out the following position:

Conditions with details approved:

- 8 (Construction Management Plan: Ecology)
- 10 (Phase 2 Site Investigation Report)
- 13 (Biodiversity Enhancement and Management Plan)
- 24 (Lighting)

Conditions not approved:

- 7 (Construction (Environmental) Management Plan
- 22 (Retaining Wall)

Further details pursuant to conditions 7 and 22 may be submitted for consideration as part of this Discharge of Condition application within two months of this letter. After this two month period a fresh Discharge of Condition application will be required.

Condition 7 (Construction (Environmental) Management Plan

You have submitted the following documents pursuant to condition 7:

- Construction (Environmental) Management Plan – Biodiversity
- Construction Management Plan, drawing reference P504, Rev A

K.C Highways Development Management have advised there are insufficient details to satisfy all the sub-sections of condition 7. Further information has been requested, however at the time of writing nothing further has been provided and accordingly condition 7 cannot be discharged at this time.

Condition 8 (Construction Management Plan: Ecology)

You have submitted the following documents pursuant to condition 8:

- Construction (Environmental) Management Plan – Biodiversity

The details are acceptable for the purposes of satisfying condition 8's initial requirement and are hereby approved.

However, please be aware that the condition cannot be fully discharged at this time as it has the following ongoing requirement:

> *The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

Condition 10 (Phase II)

You have submitted the following documents pursuant to condition 10:

- Phase 2 Ground Investigation, report No.1219.01.01, dated March 2024

The details are acceptable for the purposes of satisfying condition 10, which is hereby discharged.

Condition 13 (BEMP)

You have submitted the following documents pursuant to condition 13:

- Biodiversity Enhancement & Management Plan, report No.15131_R03_BP, dated September 2025

The details are acceptable for the purposes of satisfying condition 13's initial requirement and are hereby approved.

However, please be aware that the condition cannot be fully discharged at this time as it has the following ongoing requirement:

> *Where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met, the BEMP shall detail how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. Thereafter the development shall be undertaken in accordance with the approved details.*

Condition 22 (External Facing Materials)

You have submitted the following documents pursuant to condition 22:

- Proposed Retaining Wall Elevation, ref P503.

K.C Highways Structures have advised that condition 22 cannot be discharged pending the formal technical approval of the design of proposed retaining walls adjacent to the existing highway (via submission of an Approval in Principle). Accordingly, condition 22 cannot be discharged at this time.

Condition 24 (External Lighting Design Strategy)

You have submitted the following documents pursuant to condition 24:

- External Lighting Impact Assessment

The details are acceptable for the purposes of satisfying condition 24's initial requirement and are hereby approved.

However, please be aware that the condition cannot be fully discharged at this time as it has the following ongoing requirement:

> *All external lighting shall be installed in accordance with the specifications and locations set out in the strategy (once approved), and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.*