

**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:	2025/44/92961/W
Site Address:	Crown House, 12, Southgate, Huddersfield, HD1 1DE
Description:	Discharge of details reserved by conditions 3 (C(E)MP), 4 (CEMP: Biodiversity), 5 (Air Quality Impact Assessment), 6 (Noise Impact Assessment), 7 (external facing materials), 8 (bin store), 9 (external facing materials), 10 (BEMP), 11 (invasive species protocol), 14 (noise management plan) on previous permission 2022/93932 for change of use of crown house to provide student-only living accommodation (sui generis) in the form of studios (198), with ancillary concierge and communal facilities including an open plan lounge, coffee bar and gym at ground floor, with laundry, car parking, cycle store, parcel store and plant rooms at basement level and associated works including the installation of new cladding and fenestration to the elevations with a new roof garden atop the building
Recommending Officer:	Ellie Thornhill

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: 27-Jan-2026

Officer report

Application: 2025/92961

Site: Crown House, 12, Southgate, Huddersfield, HD1 1DE

Proposal: Discharge of details reserved by conditions 3 (C(E)MP), 4 (CEMP: Biodiversity), 5 (Air Quality Impact Assessment), 6 (Noise Impact Assessment), 7 (External materials for bin store), 8 (Fire safety strategy for bin store), 9 (External facing materials), 10 (BEMP), 11 (Invasive species protocol), 14 (Noise management plan) on previous permission 2022/93932 for change of use of crown house to provide student-only living accommodation (sui generis) in the form of studios (198), with ancillary concierge and communal facilities including an open plan lounge, coffee bar and gym at ground floor, with laundry, car parking, cycle store, parcel store and plant rooms at basement level and associated works including the installation of new cladding and fenestration to the elevations with a new roof garden atop the building.

Condition 3: CEMP

3. Prior to the commencement of development (including ground works), 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;*
- *Details of 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;*
- *Lighting during construction works;*
- *Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;*
- *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;*
- *Engagement with local residents and occupants or their representatives; 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 and biodiversity impacts are devised and agreed at an appropriate stage of the development process.*

In support of Condition 3 the following documents have been submitted:

- Construction Environmental Management Plan (reference: 25_ 505 CEMP)

Consultation Response

KC Highways DM – Response Received 31/12/2025

Abbreviated comments - With this we consider that the information provided within the CEMP is suitable for the discharge of the highways aspects of condition 3 of previous permission 22/93932.

KC Environmental Health (informal) – Response Received 27/11/25

Officers are happy with the information provided within the remit of Environmental Health.

Assessment

The component parts of the condition are considered as follows:

Any phasing of development and timetable of all works

Paragraph 3.2 sets out the Anticipated Construction Programme:

“The anticipated programme for construction is detailed below, but this will be subject to planning, surveys, labour and material availability and may be subject to change.

*Stage Expected Date Site compound set-up TBC
Site Clearance including any demolition TBC
Car Park and Landscaping TBC
External works and landscaping TBC”*

Officers note that there are a number of factors that would impact on the construction programme and therefore exact dates may not be able to be given. However, in order to satisfy this part of the CEMP, a rough timescale would be required. For example, Officers note that development would need to commence before the 16th October 2026 before permission expires and therefore a rough timeframe could be provided from that.

Hours of works

Site working hours are 07:30 to 16:30, Monday to Friday. No construction vehicle deliveries or collections will be permitted outside these hours.

Details of construction access arrangements

The sole designated access point for all construction vehicles including HGV's will be from Old Leeds Road. Primary routes in and out of the application site have also been proposed within Appendix A.

Construction vehicle sizes and routes

Appendix A sets out the vehicle types and dimensions which include Artic Lorries, Rigid Lorries, Tipper Trucks, Concrete Mixers and Service Vehicles.

Numbers and times of construction vehicle movements

The document sets out the construction vehicle movements, which include the number of trips and the times they would be undertaken for both Phase 1 and 2. Specific details can be found within Appendix A (2.3).

Locations of HGV waiting areas and details of their management

Given the nature of the site, there would be no on site waiting areas for HGV's. As such, the deliveries would be strictly timed, with a specific off site holding area proposed along Old Leeds Road. All drivers will be provided with the site managers number and must call 30 mins prior to their arrival. Lastly, the site will operate with a banksman to ensure site safety.

Parking for construction workers

These details have been provided within Section 3.0 of Appendix A.

Loading and unloading of plant and materials

The loading and unloading of plant and materials would take place within the site compound, accessed from the hammerhead on Old Leeds Road. Further details are set out within Section 4.0 of Appendix A.

Storage of plant and materials

This will be stored within the site compound.

Signage

Section 4 of the report sets out the construction activities proposed for the site including signage. Signage shall be displayed at the main entrance and key access points, clearly setting out the project, principle contractor, site management, emergency contact (24 hrs) and restricted access. The signage would be reflective, weather-resistant, and legible at a minimum distance of 10 metres.

All the signage would be in accordance with the relevant regulations, acts etc.

Lighting used in connection with all construction-related activities and security of the construction site

Paragraph 4.15 sets out the lighting requirements for the site. This includes some works having to be taken place during periods of the year where natural daylight is limited.

Temporary site lighting maybe required for specific activities to ensure safe working conditions but will be carried out within the limits of the permissible working hours.

Due to the nature of the works and surrounding residential properties no perimeter lighting will be provided; the lighting will be provided by existing streetlights. Temporary lighting will be required within the compound and will be managed via timers to minimise the effect on surrounding residents. Task lighting will be used on a need-by-need basis in the form of fluorescent strip lighting, this lighting will be switched off during non-working hours.

Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt

Temporary drainage would be installed to manage surface water run-off during construction. The primary method for disposing the surface water would be via the existing manhole located at the corner of the site boundary adjacent to Old Leeds Road.

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

Paragraph 4.8 sets out that the contractor will aim to clean down the site traffic vehicles as they leave. If necessary, site wheels will be cleaned off using a high pressure hose.

Street sweeping

As and when required, the road will be mechanically swept by a subcontracted street sweeper. This will be monitored by the site manager who will action cleaning down operations if deemed necessary.

Measures to control and monitor the emission of dust and dirt during construction;

Best practicable means shall be used to minimise dust and mud generation and where relevant, site speed limits shall be adhered to.

Stockpiles of dusty materials shall be minimised and shall as far as possible be contained within silos or other appropriate arrangements. Soil stockpiles shall be profiled to minimise wind whipping and shall if left for any length of time be seeded or covered.

The cutting of paving slabs, bricks, blocks and tiles shall only be undertaken with a wet saw or other suitable methods to minimise dust.

The access road into and out of the site will be monitored for excessive dust build-up. Should surface dust build up the road will be swept when necessary.

During dry periods dust suppression will be used on site to reduce possible nuisance dust. Several methods will be used including hose pipes to damp down works areas, dust suppression equipment on disc cutters etc, bowsers to damp down traffic routes.

Site waste management, including details of recycling/disposing of waste resulting from construction works;

Paragraph 4.9 sets out the waste management procedure. This includes all waste streams being segregated where possible on site before being removed by a licensed carrier. Any mixed waste will be processed at a licenced transfer station to segregate and assist with recycling/reusing waste to avoid land fill.

Furthermore, clearly labelled signage would be displayed at the waste storage and segregation area.

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;

Noise

All site managers will have noise level monitoring equipment available and risk assessments will highlight possible high levels of noise for certain operations. If highlighted, construction baffles will be used to mitigate the disturbance to neighbouring residences and the public.

No generators are expected to be used on site during the construction phase. However, should a generator be required, AVM's will be fitted and a sound attenuating, or acoustic enclosure will be used to reduce the levels of noise for the surrounding properties. The generator will only be used during the outlined construction hours.

All equipment will be maintained in good working order and any associated noise attenuation such as engine casing and exhaust silencers shall remain always fitted. Noise related mitigation will include, but not be limited to, the avoidance of the unnecessary revving of engines; use of rubber linings in, for example, chutes and dumpers; and screening will be used as appropriate.

Vibrations

With regards to the piling of foundations, should this be required, noise and vibration effects will be minimised as far as reasonably practicable. Piling works will be carried out between the hours of 9.00am – 4.00pm only and regular reviews of noise and vibration will be carried out during the works to ensure where possible that noise and vibration effects during these works are minimised.

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

Chapter 2 sets out the project team for the construction and their roles and responsibilities. Specific details for the site manager and resident liaison officer have been provided in the document, and their details would be available on the construction signage.

Engagement with local residents and occupants or their representatives

A Resident Liaison Officer (RLO) has been identified within page 10 of the CEMP, with their contact details provided. Their role is to communicate planned works, manage complaints, and provide timely information to residents, neighbouring businesses, and stakeholders.

All enquiries, comments, or complaints from residents or stakeholders shall be logged in a Community Engagement Register, reviewed weekly by the Site Manager, and appropriate remedial actions recorded. The RLO will ensure that all feedback is addressed promptly and communicated to the affected party.

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)

Paragraph 1.2 of the CEMP sets out that “to the Eastern boundary there are/will be other independent construction projects running potentially concurrently. Site Manager to liaise with any developers of nearby sites to agree any additional measures required in relation to any potential cumulative impacts”.

Summary

KC Environmental Health and KC Highway Development Management have assessed the submitted CEMP and have noted that it addresses the operational activities and meets with the requirements of the above condition.

However, Planning Officers note that the CEMP fails to provide an adequate timetable for the works. As such, Officers are unaware of when the development is likely to begin and how long it would take to complete.

As such, condition 3 **cannot** be discharged at this time.

Condition 4: (CEMP: Biodiversity)

4. 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 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 appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.*

In support of Condition 4 the following documents have been submitted:

- Construction Environmental Management Plan (Biodiversity) (reference 25_505)

Consultation Response

KC Ecology – Response Received 30/10/2024

The CEMP Biodiversity document has been reviewed. This is acceptable and in line with the requirements of the condition. Condition 4 is met.

KC Ecology (informal) – Response Received 15/01/2026 (following the correct CEMP: Biodiversity being submitted)

The CEMP submitted is reasonable and acceptable.

Assessment

The component parts of the condition are considered as follows:

Risk assessment of potentially damaging construction activities

Page 9 identifies the required actions before works and during to ensure/limit any damage during the construction phase.

Identification of “biodiversity protection zones”

The table in Section 10 of the report identifies protection zones which include but are not limited to, the roof for nesting birds and the protection of the hornbeam and rowan trees.

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):

Mitigation and protection measures have been set out within Section 6 of the report.

The location and timing of sensitive works to avoid harm to biodiversity features

Section 10 sets out the protection measures for each biodiversity feature on site, who will undertake it and when.

The times during construction when specialist ecologists need to be present on site to oversee works

The document identifies that the ECoW (Hewitt & Carr Services) will be available throughout the construction period to provide advice and conduct site visits as required. Section 4 further states that “*regular communication between the ECoW and the Site Manager will be maintained throughout the works*”

period. Toolbox talks and induction briefings will be provided to ensure all staff understand ecological constraints” during construction.

Responsible persons and lines of communication

Sections 4 and 10 of the report identifies the protection measures for the site and each person that is responsible for and the lines of communication that will be undertaken between those working on the project.

The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

Section 4 of the report sets out the roles and responsibilities of the ECoW which include providing on-call ecological advice, undertake toolbox talks, monitor compliance, and inspect roof areas if works coincide with nesting season. Their contact details are provided at the end of the submitted document.

Use of protective fences, exclusion barriers and warning signs

Appropriate fencing would be positioned where necessary.

Summary

Planning Officers concur with the conclusions made by KC Ecology and consider the CEMP (for Biodiversity) to be acceptable and is hereby approved. However, as the condition has an ongoing requirement it cannot currently be discharged in a full. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 5: Air Quality Impact Assessment

5. Prior to the construction works to the external elevations of the building commencing, notwithstanding the submitted details, a full Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall determine the impact that the poor air quality in the area will have on the future occupiers of the proposed development and provide details of the required mitigation measures that will be provided to address any such adverse impact. The approved mitigation measures shall be implemented prior to the first occupation of the hereby approved development and shall thereafter be retained.

Reason: *For promoting sustainable development and transport and conserving the natural environment in accordance with Policies LP20, LP24, and LP47 of the Kirklees Local Plan.*

In support of Condition 5 the following documents have been submitted:

- Air Quality Assessment (reference: P9131-R1-V1)
- Transport Statement (reference: 757-01/TS01)

Consultation Response

KC Environmental Health – Response Received 05/11/25

In support of the discharge of condition 5 an Air Quality Assessment by NoiseAir Acoustics and Air Quality, dated the 16th of October 2025, ref: P9131-R1-V1, has been submitted. The report considers the impact the proposed development will have on existing air quality, and how this will impact existing and future sensitive receptors during the construction and operational phases. It uses techniques detailed in national and local guidance, such as Local Air Quality Management Technical Guidance and the Institute of Air Quality Management (IAQM) Technical Guidance.

A description of the development is provided in sections 5.2.5; 5.3.2; 5.3.9 The Proposed Development does not include additional car parking exceeding ten spaces, as the existing provision of five external spaces will be retained. Furthermore, water and space heating will be fully electric. The Site is located in the Kirklees AQMA 9. The Site will be refurbished to provide student accommodation, with most demolition activities taking place internally.

Construction Phase

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance. This involved a risk assessment to identify all potential sources of dust during the construction phase. The report concludes that the residual impact of dust during the construction phase is considered to be not significant if the mitigation listed in section 6 is applied to site.

Operational Phase

An assessment was undertaken using the screening criteria contained within the IAQM guidance to determine the potential for the development to affect local air quality. We are informed energy to the building will be electric and there will be no new parking associated with the student living accommodation; the current 5 number parking spaces are to be retained on site.

The report considers current baseline air quality using Kirklees and DEFRA data, concluding the air quality impacts are considered not significant in accordance with the EPUK and IAQM guidance.

We accept the findings of the report.

Assessment

Planning officers concur with the conclusions made by KC Environmental Health, as the AQIA concludes (within paragraph 9.1.4) that the “proposed

Development is expected to result in a negligible air quality impact at nearby existing receptors. The residual effect of the Proposed Development is considered to be not significant". As such, the site is considered suitable for the purposes used from an air quality perspective.

Alongside the above, a Transport Statement has also been submitted, to meet the aims of LP20 (sustainable location).

Section 2.4 of the Transport Statement sets out the accessible modes of transport for the site, which include, good walking and cycling links and public transport links which include bus stops and rail services. The report concludes that the site is well-served by sustainable transport links, as opposed to the use of a private car.

In summary, Officers accept the methodology and conclusions of the assessments and therefore Condition 5 can be approved. However, as the condition has an ongoing requirement it cannot currently be discharged in full. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 6: Noise Impact Assessment

6. Prior to the construction works to the external elevations of the building commencing, notwithstanding the submitted details, an updated Noise Impact Assessment specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and neighbouring premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- Determine the existing noise climate and an informed, reasonable estimation of noise from future development to the east of the site;*
- Predict the noise climate in living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development; and*
- Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).*

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: *To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

In support of Condition 6 the following document has been submitted:

- Acoustic Design Strategy (reference: J005131-8042-CW-01)

Consultation Response

KC Environmental Health – Response Received 05/11/25

An Acoustic Design Strategy authored by PDA Acoustic Consultants has been submitted dated September 2025 Ref J005131-8042-CW-01.

Based upon the findings of a previously submitted noise survey undertaken in 2024, the report recommends glazing and ventilation in order to meet with the internal requirements of BS8233. This is given in colour coded format in figure 1 according to the façade and is based upon reasonable assumptions for the existing construction.

Comment is made that close care and attention to build quality is essential in ensuring the acoustic performance of any construction is maintained and helps to ensure the building meets with the appropriate standard. Though not within the remit of Environmental Health, the report proceeds to detail the internal sound insulation within the development in accordance with Building Regulations Approved Document E requirements. The submitted information is accepted.

Assessment

As set out above, the submitted details have been reviewed and found to be acceptable by KC Environmental Health. Officers support this assessment and recommend that the details be approved. However, as the condition has an ongoing requirement it cannot currently be discharged in a full. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 7: External materials for bin store

7. Prior to works associated with the construction of the bin store commencing, as shown on plans ref. "P-100 rev. A" and "214 Rev. C", notwithstanding the submitted details, details of all the external facing materials and their colour finish shall be submitted to and approved in writing by the Local Planning Authority. Prior to the hereby approved development being brought into use, the bin store shall be erected in accordance with the approved details and thereafter retained.

Reason: *In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.*

In support of Condition 7 the following document has been submitted:

- Condition Discharge Information (dated October 2025)

Consultation Response

KC Waste Strategy – Response Received 11/11/2025

Given the information provided by the developer the WCA can agree to the Discharge of Condition 7 and 8 for the site.

Health and Safety Executive – Response Received 19/11/2025

Following a review of the information provided, pursuant to the discharge of Conditions 7, 8 and 9, the HSE is content with the fire safety design to the extent that it affects land use planning.

HSE advises that the previous substantive response (pgo-2889) is read in conjunction with this substantive response as items previously referred to are not included here.

Assessment

The Condition of Discharge Information submitted in support of this condition sets out that no specific plans or details have been submitted for condition 7, as the construction of the external bin store is no longer required. The bin stored is to be moved internally due to the fire strategy that is required as per condition 8.

Whilst no objections to this have been raised by KC Waste Strategy or the Health and Safety Executive, condition 7 explicitly states “*Prior to works associated with the construction of the bin store commencing, as shown on plans ref. “P-100 rev. A” and “214 Rev. C”, notwithstanding the submitted details, details of all the external facing materials and their colour finish shall be submitted to and approved in writing by the Local Planning Authority.*”

To re-locate the bin store would not be in accordance with the aforementioned plans which reference numbers are specifically included within the wording of the condition. Therefore, should the applicant wish to re-locate the bin store, this would require a separate S73 Variation of Condition application (or S96a, if appropriate), with its own assessment, to allow, if acceptable, the re-wording of this condition.

The information submitted fails to address the requirements of condition 7 and therefore, this condition **cannot** be discharged at this time.

Condition 8: Fire safety strategy for bin store

8. Prior to works associated with the construction of the bin store commencing, as shown on plans ref. “P-100 rev. A” and “214 Rev. C”, notwithstanding the submitted details, a fire safety strategy for the bin store shall be submitted to and approved in writing by the Local Planning Authority. The fire safety strategy shall include access arrangements for residents and collection services, method of alarm in case of an internal fire, and fire-resistant construction details. Prior to the hereby approved development being brought into use, the bin store shall be erected in accordance with the approved details and thereafter retained.

Reason: *In the interest of fire safety, in accordance with the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (“the 2021 Order”).*

In support of Condition 8 the following documents have been submitted:

- Fire Plan – Lower Ground Floor (reference: P-1100 rev I01)
- Fire Plan – Ground Floor (reference: P-1101 rev I01)
- Fire Plan – 1st Floor (reference: P-1102 rev I01)
- Fire Plan – 2nd – 9th Floor (reference: P-1112 rev I01)
- Fire Plan – Roof (reference: P-1111 rev I01)

Consultation Response

KC Waste Strategy – Response Received 11/11/2025

Given the information provided by the developer the WCA can agree to the Discharge of Condition 7 and 8 for the site.

Health and Safety Executive – Response Received 19/11/2025

Following a review of the information provided, pursuant to the discharge of Conditions 7, 8 and 9, the HSE is content with the fire safety design to the extent that it affects land use planning.

HSE advises that the previous substantive response (pgo-2889) is read in conjunction with this substantive response as items previously referred to are not included here.

Assessment

As identified for condition 7, the re-location of the bin store, would not accord with the plans referenced within condition 8. Therefore, whilst its new location and the information provided may be acceptable to KC Waste Strategy and the Health and Safety Executive, to amend the bin stores location and the plan references, would require a separate S73 Variation of Condition (or S96a, if appropriate) application.

The information submitted fails to address the requirements of condition 8 and therefore, this condition **cannot** be discharged at this time.

Condition 9: External facing materials

9. Prior to their use, notwithstanding the submitted information, details of all the external facing materials and their colour, including all cladding, glazing, and brise-soleil panels, shall be submitted to and approved in writing by the Local Planning Authority. The information shall show the intended coursing pattern and method of fixture to the building for the proposed cladding and brises soleil panels, and shall be supported by

elevations, sections, and plans at a scale of 1:20. 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 and Chapter 12 of the National Planning Policy Framework.*

In support of Condition 9 the following documents have been submitted:

- Materials samples (reference: P-7002 rev P01)
- Green roof and podium detail (reference: P-7001 rev P01)
- Windows and Brise-soleil details (reference: P-7000 rev P01)

Consultation Response

Victor Grayson (Masterplanner) on behalf of KC Conservation and Design:

Regarding the materials proposed at Crown House:

- *01 – While there is no concern in principle regarding the use of aluminium rainscreen cladding, or regarding its coating to give it a sandstone texture, the proposed colour (Portland Stone) is not acceptable. This would result in a near-white building, entirely out of keeping with the site’s context. A buff colour, to match the natural local stone opposite, should be proposed instead.*
- *02 – RAL 1019 is an appropriate colour for the brise soleil, however it is not clear what material is proposed.*
- *03 and 08 – No concerns regarding the double glazing, if clear-glazed and not tinted.*
- *04 – What material and colour is proposed for the insulated louvered panels? Drawings P-7001 rev P01 and P-7000 rev P01 appear to show different colours.*
- *05 – Would all existing external materials be covered by the proposed materials?*
- *06 – The legend refers to a “bespoke copper colour”, however the sample image on drawing P-7002 rev P01 refers to a “red brick colour”. In any case, a dark bronze or brown (as used next door, at the Daphne Steele Building) or RAL 1019 (to match the proposed brise soleil, and to help decomplicate the elevations) would be more appropriate. Unclear why there is a “02” annotation (in addition to “06”) next to the sample image on drawing P-7002 rev P01.*
- *07 – The legend refers to a “beige / light brown window frame”, however the sample image on drawing P-7002 rev P01 is a very dark brown. In any case, is a different material actually needed here? Using the same material as for the brise soleil would help decomplicate the elevations. If the “beige / light brown window frame” is intended to match the windows of the Daphne Steele Building, a RAL number should be confirmed.*

- 10 – If approval of details of the green roof to the podium is being sought, more details of the proposed green roof system (including type, substrate depths, irrigation, maintenance, species proposed etc) would be needed.

Assessment

As identified above, Officers have concerns regarding the materials proposed, for such a large building, in a prominent ring road site, within the context of several heritage assets and an emerging high-quality university campus. As such, Condition 9 cannot be discharged at this time.

Officers would also like to see samples of the materials proposed as part of any future discharge of condition application, given size of the building in such a sensitive location.

Condition 10: BEMP

10. Prior to external works and/or landscaping commencing or prior to the hereby approved development being brought into use, 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 10% net gain in habitats is to be achieved post-development and 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, including provisions for nesting birds, roosting bats, invertebrates and perching Peregrine Falcon;*
- *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 five-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; and*
- *The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years.*

The BEMP shall include 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. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented 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.

In support of Condition 10 the following document has been submitted:

- Biodiversity Enhancement and Management Plan (reference: 25_505)

Consultation Response

KC Ecology – Response Received 30/10/2025

The BEMP document has been reviewed. This is acceptable and in line with the requirements of the condition. Condition 10 is met.

Assessment

KC Ecology have assessed the submitted BEMP and consider it to be acceptable. However, Officers do not concur with this conclusion as the BEMP fails to address the following information:

The BEMP does not appear to include the BNG metric to outline how the 10% net gain in habitats is to be achieved post-development. The committee report for the original application 2022/93932 outlines that part of the enhancement would be via the inclusion of a green roof to the ground floor podium roof, however this does not appear to be mentioned within the BEMP.

The report also fails to fully address bullet point two of Condition 10, which states:

- Extent and location/area of proposed enhancement works on appropriate scale maps and plans, including provisions for nesting birds, roosting bats, invertebrates, except from the perching Peregrine Falcon.

Without the submission of the above information to fully satisfy the requirements of Condition 10, an approval pursuant to Condition 10 **cannot** be issued at this time.

Condition 11: Invasive species protocol

11. Prior to external works and/or landscaping commencing, an 'invasive non-native species protocol' shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of Wall Cotoneaster species on site. Thereafter the development shall be undertaken in accordance with the approved scheme.

Reason: *To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure ecological measures are capable of being fully integrated into the construction phase.*

In support of Condition 11 the following document has been submitted:

- Invasive Non-Native Species (INNS) Protocol (reference: 25_505)

Consultation Response

K.C. Ecology – Response Received 30/10/2025

The INNS protocol document has been reviewed. This is acceptable and in line with the requirements of the condition. Condition 11 is met.

Assessment

Condition 11 requires the protocol to detail containment, control, and removal of Wall Cotoneaster species on site. Further to Cotoneaster species, section 3 of the report identifies the additional dominating non-native plants at Crown House; these being Buddleia and Bindweed species.

Section 4 identifies the relevant personnel and their roles and responsibilities during construction.

Section 5 identifies the procedure for removal and control. This includes clearly identifying where the invasive species are located and recording their location. Works will be scheduled for late summer to early autumn when vegetation is mature but prior to seed dispersal. In terms of physical removal, this will include the excavation of the top 300 mm of affected soil (deeper if root systems persist). The plant material would be carefully bagged and sealed, along with any contaminated soil. Additional chemical treatments have been identified if required. All contaminated material will be removed to a licensed green-waste facility capable of handling invasive species.

Section 6 identifies the reinstatement and monitoring which will include the refill of excavated areas, and the replant using native shrub and wildflower species. The ECoW will inspect the treated areas quarterly in Year 1 and annually thereafter for 5 years to confirm eradication.

Section 8 sets out the incident response, for any invasive species not previously identified.

The submitted details have been reviewed by K.C. Ecology and Planning Officers and confirmed to be acceptable for the purposes of Condition 11. However, as the condition has an ongoing requirement it cannot currently be

discharged in a full. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 14: Noise management plan

14. Prior to the hereby approved development being brought into use, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the control measures that will be taken to ensure that undue noise does not arise from the non-residential use of the development site and the control measures to ensure there will be no loss of amenity to the occupiers of neighbouring apartments. The approved noise management plan shall be implemented before use commences, reviewed periodically and retained thereafter.

Reason: *To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

In support of Condition 14 the following document has been submitted:

- Noise Management Plan – Non-Residential Spaces (reference: J005131-8238-CW-01)

Consultation Response

K.C. Environmental Health – Response Received 05/11/2025

A Noise Management Plan (NMP) authored by PDA Acoustic Consultants has been submitted dated December 2024 Ref J005131-8238-CW-01 which identifies the non-residential uses on the ground floor as shown in figure 1. The NMP recommends the control measures for the proposed activities including noise limits, curfews along with monitoring and regular review of the NMP in order to ensure compliance with the recommended measures...The submitted information is accepted. However, this is a compliance condition and must be retained for the duration of the development.

Assessment

As set out above, the submitted details have been reviewed and found to be acceptable by KC Environmental Health. Officers support this assessment and recommend that the details be approved. However, as the condition has an ongoing requirement it cannot currently be discharged in a full. A note of the ongoing requirement is recommended to be included on the decision notice.

Summary

The following conditions may have their details approved:

- Condition 4: (CEMP: Biodiversity)
- Condition 5: Air Quality Impact Assessment
- Condition 6: Noise Impact Assessment
- Condition 11: Invasive species protocol
- Condition 14: Noise management plan

The following details cannot have their details approved:

- Condition 3: CEMP
- Condition 7: External materials for bin store
- Condition 8: Fire safety strategy for bin store
- Condition 9: External facing materials
- Condition 10: BEMP

Recommendation: Split decision

Report Dated: 27/01/2026.

Decision Notice Text

Overview

This decision letter concludes the following:

- Details approved: 4 (CEMP for Biodiversity), 5 (AQIA), 6 (Noise Impact Assessment), 11 (Invasive species) 14 (Noise Management Plna)
- Details not approved: 3 (CEMP), 7 (External materials for bin store), 8 (Fire safety strategy for bin store), 9 (Materials) and 10 (BEMP)

Please note a new Discharge of Condition application is required for any future submission in relation to Conditions 3, 9, and 10.

Regarding conditions 7 and 8, the submitted details directly contradict the requirement(s) of the conditions. It is beyond the remit and scope of a Discharge of Condition application to contradict or change the requirement of a condition. Therefore, for such details to be submitted, the conditions would need to be formally varied and/or removed via either a s73 or s96a submission (as appropriate).

Condition 3: CEMP

Pursuant to Condition 3, you have submitted:

- Construction Environmental Management Plan (reference: 25_ 505 CEMP)

The CEMP submitted fails to provide an adequate timetable for the construction works, as specifically required via the condition. As such, Officers are unaware of when the development is likely to begin and how long it would take to complete.

For these reasons, the information submitted does not adequately address all the requirements of Condition 3, and therefore this condition **cannot** be discharged at this time.

Condition 4: (CEMP: Biodiversity)

Pursuant to Condition 4, you have submitted:

- Construction Environmental Management Plan (Biodiversity) (reference 25_505)

Based on the information submitted, Officers are satisfied that the initial requirements of Condition 4 have been met and is hereby approved.

However, please be aware that Condition 4 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The approved CEMP 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 5: Air Quality Impact Assessment

Pursuant to Condition 5, you have submitted:

- Air Quality Assessment (reference: P9131-R1-V1)
- Transport Statement (reference: 757-01/TS01)

Based on the information provided, Officers are satisfied that the initial requirements of Condition 5 have been met and is hereby approved.

However, please be aware that Condition 5 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The approved mitigation measures shall be implemented prior to the first occupation of the hereby approved development and shall thereafter be retained.

Condition 6: Noise Impact Assessment

Pursuant to Condition 6, you have submitted:

- Acoustic Design Strategy (reference: J005131-8042-CW-01)

Based on the information provided, Officers are satisfied that the initial requirements of Condition 6 have been met and is hereby approved.

However, please be aware that Condition 6 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Condition 7: External materials for bin store

Pursuant to Condition 7, you have submitted:

- Condition Discharge Information (dated October 2025)

The information submitted seeks to re-locate the external bin store by providing it within the building. However, that the condition explicitly relates to plans which show an external bin store, and therefore, Officers are unable to support the discharge of this condition as it fails to fulfil its requirements.

It is also considered to go beyond the remit of the Discharge of Condition process to deviate from the condition wording. If the re-location of the bin store is required, the applicant would need to submit a S73 application (Variation of Condition) or S96a (Non-Material Amendment) as appropriate.

For these reasons, Condition 7 **must** remain until further notice.

Condition 8: Fire safety strategy for bin store

Pursuant to Condition 8, you have submitted:

- Fire Plan – Lower Ground Floor (reference: P-1100 rev I01)
- Fire Plan – Ground Floor (reference: P-1101 rev I01)
- Fire Plan – 1st Floor (reference: P-1102 rev I01)
- Fire Plan – 2nd – 9th Floor (reference: P-1112 rev I01)
- Fire Plan – Roof (reference: P-1111 rev I01)

The information submitted seeks to re-locate the external bin store by providing it within the building. However, that the condition explicitly relates to plans which show an external bin store, and therefore, Officers are unable to recommend discharge of this condition as it fails to fulfil its requirements.

It is also considered to go beyond the remit of the Discharge of Condition process to deviate from the condition wording. If the re-location of the bin store is required, the applicant would need to submit a S73 application (Variation of Condition) or S96a (Non-Material Amendment) as appropriate.

For these reasons, Condition 8 **must** remain until further notice.

Condition 9: External facing materials

Pursuant to Condition 9, you have submitted:

- Materials samples (reference: P-7002 rev P01)
- Green roof and podium detail (reference: P-7001 rev P01)
- Windows and Brise-soleil details (reference: P-7000 rev P01)

The materials proposed for this prominent ring road site are not considered to be acceptable. As such, Condition 9 **must** remain at this time.

Samples of any future materials proposed should be provided as part of any future discharge of condition application, given this prominent and large building in such a sensitive site.

Condition 10: BEMP

Pursuant to Condition 10, you have submitted:

- Biodiversity Enhancement and Management Plan (reference: 25_505)

The BEMP fails to address the following information:

- The BEMP does not appear to include the BNG metric to outline how the 10% net gain in habitats is to be achieved post-development. The committee report for 2022/93932 outlines that part of the enhancement would be via the inclusion of a green roof to the ground floor podium roof, however this does not appear to be mentioned within the report.
- The report fails to fully address bullet point two - Extent and location/area of proposed enhancement works on appropriate scale maps and plans, including provisions for nesting birds, roosting bats, invertebrates, accept from the perching Peregrine Falcon.

As such, Condition 10 **cannot** be discharged at this time.

Condition 11: Invasive species protocol

Pursuant to Condition 11, you have submitted:

- Invasive Non-Native Species (INNS) Protocol (reference: 25_505)

Based on the information provided, Officers are satisfied that the initial requirements of Condition 11 have been met and is hereby approved.

However, please be aware that Condition 11 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

Thereafter the development shall be undertaken in accordance with the approved scheme.

Condition 14: Noise management plan

Pursuant to Condition 14, you have submitted:

- Noise Management Plan – Non-Residential Spaces (reference: J005131-8238-CW-01)

Based on the information provided, Officers are satisfied that the initial requirements of Condition 14 have been met and is hereby approved.

However, please be aware that Condition 14 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The approved noise management plan shall be implemented before use commences, reviewed periodically and retained thereafter.