

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:	2026/44/90394/W
Site Address:	Land off, Blackmoorfoot Road and Felks Stile Road, Crosland Moor, Huddersfield, HD4 7AD
Description:	Discharge of details reserved by condition 33 (Remediation Strategy) of previous permission 2024/92614 for variation and removal of conditions 4 (access works), 8 (Blackmoorfoot Road improvements), 10 (junction details), 16 (retaining wall design), 17 (highway structure design), 18 (surface water drainage strategy), 37 (external lighting strategy) and 39 (crime mitigation measures) of previous outline permission 2020/92546 (with details of points of access only) for development of up to 770 dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors surgery of up to 350 sqm (Use Class D1); up to 500 sqm of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works
Recommending Officer:	Nick Hirst

DECISION – Discharge of Condition – Approve

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

Victor Grayson

AUTHORISED OFFICER

Date: 31-Mar-2026

Application: 2026/44/90394/W

Site: Land off Blackmoorfoot Road and Felks Stile Road, Crosland Moor, Huddersfield, HD4 7AD

Proposal: Discharge of details reserved by condition 33 (Remediation Strategy) of previous permission 2024/92614 for variation and removal of conditions 4 (access works), 8 (Blackmoorfoot Road improvements), 10 (junction details), 16 (retaining wall design), 17 (highway structure design), 18 (surface water drainage strategy), 37 (external lighting strategy) and 39 (crime mitigation measures) of previous outline permission 2020/92546 (with details of points of access only) for development of up to 770 dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors surgery of up to 350 sqm (Use Class D1), up to 500 sqm 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

Note: Outline Application 2024/92614¹ granted permission for up to 770 dwellings (including 70 care apartments) and commercial floor space. However, the provision of this is expected to be split across several phases. Condition 6 of the outline permission required that a phasing plan be submitted and approved by the Local Planning Authority. This has been done under Discharge of Condition application ref. 2024/92892, where phasing plan ref. 426 rev. F split the outline into four parcels:

- Millers (Western Residential Parcel) - Reserved Matters application ref. 2024/92235, comprising 231 units.
- Vestry (Eastern Residential Parcel) - Reserved Matters application ref. 2024/92365, comprising 469 units.
- Care Home - No Reserved Matters at the time of writing.
- Local Centre - No Reserved Matters at the time of writing.

Many of the conditions imposed on 2024/92614 require details to be submitted 'per phase'. However, this Discharge of Condition application relates to all the above phases.

Assessment

Condition 33 (Remediation Strategy)

33. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 32, further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority.

¹ A Section 73 submission which amended 2020/92546.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: *To ensure the safe occupation of the site*

Relevant history

2024/44/92891/W: Discharge of conditions 32 (Site Investigation Report) and 33 (Remediation Strategy) of previous outline permission 2020/92546 (with details of points of access only) for the development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors surgery of up to 350 sqm (Use Class D1), up to 500 sqm 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

The above included a partial discharge of condition 33. The following is extracted from 2024/92891's decision notice, for context:

Condition 33 (Remediation Strategy)

You have submitted the following documents pursuant to condition 33:

- *Remediation Strategy by Lithos (October 2024, 4486/3C)*
- *Remediation Strategy by Lithos (April 2025, 4486/8)*
- *Letter dated 24/04/2024 titled Black Cat Fireworks, Blackmoorfoot Road – gas risk assessment*
- *Plan ref. 4486/2 rev. A (phasing plan)*
- *Email dated 25/06/2025 – from Adam Gombocz of Lithos in relation to on-site treatment of hydrocarbon contaminated material and placement of services*

The above documents relate to land identified as Area B and Phase 1 boundary, per plan ref. 4486/2 rev. A (phasing plan) only.

The submitted documents are acceptable to enable a part-discharge of condition 33, in so far as it relates to Area B and 'phase 1' only.

For the avoidance of doubt, the submission of a remediation strategy in accordance with condition 33's requirement remains outstanding for Area A (excluding the small portion that falls within the defined 'phase 1' boundary) and must be submitted and approved, prior to works excluding demolition commencing within the defined Area A.

Accordingly, the more recent submission seeks to discharge condition 33 pursuant to the previously unresolved area A.

Submitted documents

The applicant has submitted the following documents pursuant to condition 33:

- An additional intrusive phase 2 report following demolition on site by Lithos, ref: 4486/13, dated January 2026
- Supporting data sheets
- Remediation strategy by Lithos, ref: 4486/12A, dated January 2026

Consultee response

K.C. Environmental Health: K.C. Environmental Health have provided a comprehensive consultation response dated 13/03/2026. These comments are repeated below:

The phase 2 report is largely a copy of an earlier report that Environmental have previously commented on and accepted, with some updated information following some demolition/site clearance. This response considers the updates to the phase 2 report and the updated remediation strategy in relation to contamination risk and area A only.

Phase 2 report following demolition on site by Lithos, ref: 4486/13, dated January 2026

The report provides a summary to date; the latest site walkover of Area A was undertaken in October 2025 we are informed; access to Area A is gained off Standard Drive in the south, through Heras fencing. Phase 1 earthworks have commenced. "A full strip of vegetation and hardstand has been undertaken to leave a veneer of subsoil/made ground across the site. Stockpiles of concrete, metal, quarry backfill (sandstone cobbles) were present across the site and were being processed via sorting and crushing. Additional stockpiles included made ground and topsoil."

The scope of the post demolition fieldwork is described in the following table within section 8 of the report:

A (Vistry parcel only)	October – November 2025	Trial pitting (machine dug)	TPs 801 to 810	1.7m to 3.4m	Undertaken in areas which were previously inaccessible
		Trial Trenching (machine dug)	TTs 801 to 820	0.9m to 3.5m	Undertaken to delineate quarry highwalls in previously inaccessible areas
		Window sample boreholes	WSs 801 to 210	0.7m to 5.0m	Undertaken within the vicinity of former known/suspected fuel tanks.
		Rotary open-hole probeholes	PH801 to PH815	6.0m to 21.0m	All probeholes comprised stitch drilling, with the exception of PH810 and PH811.

Ground conditions are described for Area A in section 9, demonstrating a significant amount of mixed made ground encountered to various depths.

Section 11 of the report informs; “During Lithos original August 2023 investigation, 3 trial pits were excavated within the vicinity of fuel tanks, where they were accessible. No evidence of hydrocarbon contamination from the suspected fuel spillage was encountered. During the Lithos November 2025 investigation a total of 5 window sample boreholes were drilled within the vicinity of the remaining fuel tanks which were not previously accessible. No visual or olfactory evidence of a fuel spill/leak was recorded in any of the boreholes.”

Following additional sampling on site the results are summarised in section 11, additional testing has not altered the report conclusions. Section 12 of the updated phase 2 report informs, the topsoil in Area A is typically 300mm thick is sporadically present across the Fireworks Factory site (Area A). Whilst testing had not identified elevated concentrations of contaminants within this topsoil, the consultant concludes, that given the significant historical potentially contaminative uses within Area A, this topsoil is not considered suitable for re-use. The consultant goes on to recommend “ Given the compressible nature and gas-generating potential of this material if buried at depth, it is recommended that it is placed in garden areas and/or POS, immediately beneath the proposed 750mm/450mm cover, and that it is overlain by no more than 1m of soil.”

A revised Conceptual Site Model is presented as Drawing 4486/207 in Appendix B, we are informed in section 17.6.1 remediation is required across Area A due to the presence of elevated concentrations of inorganic contaminants and asbestos, remediation of isolated pockets of organic contamination is also required. The gas regime at site remains characterised as CS2.

A prospective remediation strategy is presented.

Remediation Strategy

Environmental Health commented on a Remediation Strategy by Lithos April 2025, 4486/8, largely accepting it but asking for clarification on two points. This was provided and subsequently accepted, requiring an updated remediation strategy following demolition.

In support of the application an updated remediation strategy by Lithos, ref: 4486/12A, dated January 2026 has been submitted. Having read the reports provided we note the updates of the remediation strategy, it includes the recommendation to remove the limited volume of any

hydrocarbon contaminated material (associated with underground excavation of tanks), the provision of clean cover systems and isolation of any ash and clinker beneath hardstanding or 1000mm below plots. Suppression of dust by dampening soils has been highlighted in the report. Gas protection provision remains at CS2 level.

We have reviewed the reports and make the following recommendation.

Recommendations Condition 33 (Remediation Strategy)

We have read the additional intrusive phase 2 report following demolition on site by Lithos, ref: 4486/13, dated January 2026, supporting data sheets and the remediation strategy by Lithos, ref: 4486/12A, dated January 2026 provided. Based on the professional judgement of the report author and the evidence and interpretations presented we can confirm that we have no objection to the discharge of Condition 33 for Part A of the development.

Officer assessment

Officers defer to, and support, the assessment made by colleagues in K.C. Environmental Health. It is therefore recommended that the submitted details be approved.

Given that this detail relates to the last area outstanding with regard to the required remediation strategy, the condition may now be discharged in full. However, it is recommended that a note be included in the council's decision notice, stating that this decision should be read in conjunction with the decision made under application ref. 2024/92891. Furthermore, a note that conditions 34 (remediation implementation) and 35 (validation) remain active is recommended.

Recommendation: Approve details

Report Dated: 30/03/2026

Proposed Letter Text

Note regarding parcels

In accordance with condition 6 imposed on outline permission 2024/92614, and as per the details shown on phasing plan ref. 426 rev. (approved pursuant to Discharge of Condition application 2024/92892) the site has been split into four parcels.

For the avoidance of doubt, this discharge of condition relates to all parcels approved pursuant to condition 6.

Condition 33 (Remediation Strategy)

Condition 33 has been partly discharged previously as part of Discharge of Condition application ref. 2024/92891, within the decision dated 18/07/2025. As part of that decision, the site was split into three areas: Area A, Area B, and Phase 1.

Under Discharge of Condition application 2024/92891 an approval was issued pursuant to condition 33, in so far as it related to Area B and Phase 1, only.

This submission relates to Area A and you have now submitted the following documents:

- An additional intrusive phase 2 report following demolition on site by Lithos, ref: 4486/13, dated January 2026
- Supporting data sheets
- Remediation strategy by Lithos, ref: 4486/12A, dated January 2026

I can confirm that the submitted details are acceptable and are hereby approved. This decision notice should be read in conjunction with the decision previously made under application 2024/92891. Accordingly, condition 33 is hereby discharged.

Further to the above, you are reminded that the conclusion of condition 33 hereby activates the requirements of conditions 34 and 35, which are repeated below for convenience:

34. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 33. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: *To ensure the safe occupation of the site.*

35. Following completion of any measures identified in the approved Remediation Strategy, or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in

accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different parts of the site, a Final Validation Summary Report for the whole site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the safe occupation of the site.*