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:	**2023/44/90651/W**
Site Address:	land off, South View, Paddock, Huddersfield, HD1 4UE
Description:	Discharge conditions 5 (Phase I Desk Study Report), 12 (Construction Method Statement) on previous permission 2019/90206 (APP/Z4718/W/20/3244169) for erection of detached dwelling
Recommending Officer:	Emma Thompson

DECISION – DISCHARGE OF CONDITIONS – SPLIT DECISION

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 24-Aug-2026

Officer Report:
Discharge conditions 5 (Phase I Desk Study Report), 12 (Construction Method Statement) on previous permission 2019/90206 (APP/Z4718/W/20/3244169) for erection of detached dwelling
This application considers outstanding matters conditioned under application 2019/90206 for the erection of a detached dwelling. This application was refused but subsequently upheld at appeal.

Condition 5 - (Phase I Desk Study Report)
Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority.

Assessment:
To discharge Condition 5 a Phase 1 Environmental Desk Study Report by Rogers Geotechnical Services Ltd dated 16/06/2023, reference C2752/23/E/5445 has been received. The report includes details of a site walkover undertaken on the 22 of May 2023 and provides an appraisal of the site history and previous surrounding land uses dating back to 1854. The results of the site walkover inform us that the surface of the site generally comprises of made ground of demolition and sandstone rubble. A small pipe of unknown origin was observed protruding from the ground adjacent to the north-east corner of the site. Section 2.1 of the Report informs that buildings on the site were demolished between 2003 and 2023 (Table 1). Potentially contaminative sources at and near the site are presented in Table 7 of the Report. A Preliminary Qualitative Risk Assessment (Conceptual Site Model) is presented in table 8. Generally, a moderate risk rating has been assigned in relation to soils, ground gas and water/run off. The Report goes on to indicate that intrusive testing will undertaken on site, we note the initial monitoring numbers for ground gas and would expect to see sufficient and robust justification for this in the phase 2 Report, given the moderate risk attributed.
The Phase 1 Environmental Desk Study Report by Rogers Geotechnical Services Ltd dated 16/06/2023, reference C2752/23/E/5445 is considered to be an acceptable appraisal of the site. The Report concludes in section 4 that further intrusive investigations are required in the form of a Phase II intrusive investigation, including ground gas investigation.
KC Environmental Health have been consulted on the application and accepted the submitted reports. Condition 5 can therefore be discharged.

Condition 12 - Construction method statement
Prior to development commencing, a construction method statement, shall be submitted to and approved in writing by the local planning authority. The method statement shall include but not be limited to:
• an outline of the proposed method of construction which ensures that the adjacent railway is protected;
• a risk assessment in relation to the railway and construction traffic management plan;
• details of any vibro-compaction machinery to be used during the construction of the dwelling;
• details of any cranes to be used during the construction of the dwelling;
• details of the method of surface and foul water disposal.

Thereafter, the development shall be undertaken in accordance with the approved method statement. Prior to the installation and operation of any external lighting within the site outlined in red on the hereby approved location plan, a scheme which details the measures to be taken for the control of any glare or stray lighting arising from the operation of artificial lighting shall be submitted to, and approved in writing by the local planning authority. The lighting shall be installed in accordance with the measures so approved and thereafter the artificial lighting shall be operated in accordance with the approved scheme.

Assessment:

Due to the proximity of the site to the railway line the application has been referred to Network Rail for comment. Following an assessment of the details provided to support the application, Network Rail has raised concerns. Based on the details submitted there is insufficient information to adequately address the potential impact of construction adjacent to the operational railway. It is recommended that the developer liaises with Network Rail's Asset Protection Team and then resubmit an application to discharge Condition 12.

Decision Text:

The Phase 1 Environmental Desk Study Report by Rogers Geotechnical Services Ltd dated 16/06/2023, reference C2752/23/E/5445 is considered to be an acceptable appraisal of the site. The Report concludes in section 4 that further intrusive investigations are required in the form of a Phase II intrusive investigation, including ground gas investigation. The details are acceptable for discharging Condition 5 only.

As such, Condition 5 can be discharged.

With regards to Condition 12, the details submitted are inadequate for addressing outstanding concerns regarding construction methodology. Condition 12 cannot be discharged at this time and a new application should be submitted.