

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:	2025/44/90030/W
Site Address:	rear of, 1, Sparks Road, Oakes, Huddersfield, HD3 4BX
Description:	Discharge of details reserved by conditions 4 (bird/bat box), 5 (road marking), 6 (access), 8 (Phase I Desk Study Report), 13 (materials) on previous permission 2023/90956 for erection of 4 dwellings
Recommending Officer:	Molly Storer

DECISION – DISCHARGE OF CONDITION – SPLIT DECISION

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

John Holmes

AUTHORISED OFFICER

Date: 28-Jan-2026

Officer Report

Site Description

Site address – Rear of, 1, Sparks Road, Oakes, Huddersfield, HD3 4BX

Proposal – Discharge of details reserved by conditions 4 (bird/bat box), 5 (road marking), 6 (access), 8 (Phase I Desk Study Report), 13 (materials) on previous permission 2023/90956 for erection of 4 dwellings.

Assessment

Condition 4 – Bat/Bird Boxes

Condition 4 of application 2023/90956 reads as follows:

“4. Prior to the commencement of the development, a plan detailing the positioning, location and specification of one house sparrow (Schwegler 1SP sparrow terrace, or similar) and two bat box (Schwegler 3FE Bat Box or similar) shall be submitted to and approved in writing by the local authority. The boxes shall be installed before the dwelling upon which they are to be sited is brought into use and shall be retained thereafter.

Reason: *To provide an enhancement to biodiversity in line with LP30, Principle 9 of the Housebuilders Design Guide SPD and the requirements of Chapter 15 of the National Planning Policy Framework.”*

In support of the discharge of condition 4, the applicant has submitted:

- Proposed elevations ref: ‘24106 03A’

The submitted plan shows the location of a sparrow box on the proposed rear (west) elevation of plot 1 and 2 bat boxes, one on the side (north) elevation of plot 2 and one on the proposed side (east) elevation of plot 3. These locations are considered acceptable.

The submitted information is considered sufficient for the discharge of condition 4.

Condition 5 – Road marking

Condition 5 of application 2023/90956 reads as follows:

“5. Prior to development commencing, a detailed scheme for the provision of a widened access from New Hey Road into the site with associated white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes and any associated drainage. Unless otherwise agreed in writing by the Local Planning Authority, all the agreed works shall be completed before any of the dwellings hereby approved are brought into use and shall be thereafter retained.

Reason: *This pre-commencement condition is necessary to ensure that a safe and suitable access is provided at an appropriate stage of the development process, in the interests of highway safety and to achieve a satisfactory layout and to accord with Chapter 9 of the National Planning Policy Framework and Policy LP21 of the Kirklees Local Plan.*

In support of the discharge of condition 5, the applicant has submitted:

- A plan titled Highway Details (drawing number 06) showing existing site access proposed demolition works and proposed highway works.

This was reviewed by KC Development Management Highways who stated the following:

1, The extent of the footway reinstatement works should be clearly shown on the plans which should be at least to the extents of the walls which to be removed to both sides of the proposed access.

2. The proposed give way line needs to be moved forwards to be in line with the white line build outs, the cycle lane should be shown with the margin to the parking bays on the eastern side of the access shown to be retained. The white line build outs to the eastern side of the access should also be shown.

3. The tactile paving areas need to be a minimum of three blocks deep at their narrowest points, not two as they are currently shown. This is because they are approached directly in-line with the crossing direction by visually impaired pedestrians and may be inadvertently stepped over.

No additional information was sent and therefore this condition cannot be discharged and remains.

Condition 6 – Access

Condition 6 of application 2023/90956 reads as follows:

“6. Prior to construction works commencing on site, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities, pre-development road condition surveys, and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.

Reason: *This pre-commencement condition is necessary to ensure that measures to avoid obstruction to the wider highway network, avoid increased risks to highway safety, and to prevent or minimise amenity impacts are agreed at an appropriate stage of the development process, to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and Chapters 9, 12 and 15 of the Kirklees Local Plan.*

In support of the discharge of condition 6, the applicant has submitted:

- A plan titled Construction Access (drawing number 07)

This was reviewed by KC Development Management Highways who stated the following:

This shows the construction access, internal turning and wheel washing facilities. No details are however provided regarding routing of construction traffic to and from the site, details of the times of use of the access (which given the location should avoid peak hours for traffic) or construction workers parking facilities. The plan does confirm that dilapidation surveys using photos and videos will be prepared by the contractor prior to works starting on site - all reports and surveys to be submitted to Kirklees Highways prior to starting works. This is not sufficient to discharge the condition. The condition requires that the surveys should be submitted.

The agent sent further information including a response to highways which showed photos and a dilapidation survey. KC Highways stated that the dilapidation survey is acceptable but the applicants need to show where the contractor parking will be located on a plan and they need to specify the times for deliveries.

The agent responded with a plan showing construction access as well as additional information.

KC Highways confirmed that the proposal is now considered acceptable but they need to provide the pre-development road condition surveys. However it is concluded that given the extent of information submitted and fact that a post development road condition survey would remain a requirement to be submitted, in this case the submitted detail is sufficient to allow the partial discharge of condition 6 and it is recommended that it is partially discharged. Once the development has been completed a post-development road condition survey and a schedule of remedial works is required to be submitted for written approval.

Condition 8 – Phase I Desk Study Report

Condition 8 of application 2023/90956 reads as follows:

“8. Groundworks 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) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.”

In support of the discharge of condition 8 the applicant has submitted:

- Phase 1 Desk Study Site Investigation Report, dated August 2024 ref: ‘G24227’

The report includes an appraisal of site setting information and historical land uses. Since 1954, dwellings have been present on-site. Off-site historic land uses with the potential to contaminate include mill ponds and mill buildings (adjacent to the east of the site), surface mining (260m southwest), and allotments (50m south). The presence of the mill pond has been identified as the primary feature of interest, and Geoinvestigate has noted a potential for made ground and gas generation.

A site reconnaissance visit by Geoinvestigate was undertaken on the 5th of August 2024. Two dwellings still exist on-site. Notable features from the walkover include a small concrete base from a previous outbuilding, a bonfire, and three piles of soil. The potential for harmful contamination from historical sources has been assessed as low, and the hazardous gas risk is assessed as low to moderate. Geoinvestigate considers it unlikely that any significant potential hazardous gas source exists on-site. The infilled nearby mill ponds are not considered to be within influencing distance, but if deeper made ground (>0.1m) is discovered on-site, Geoinvestigate suggest that the risk should be reassessed. The report concludes with recommendations for a Phase 2 intrusive investigation, including window sampling boreholes, the installation of gas monitoring wells (if appropriate) and monitoring, the excavation of trial pits, and the retrieval of soil samples for chemical analysis.

K.C. Environmental Health were consulted on this report and they stated that they accept the Phase 1 Desk Study Site Investigation Report by Geoinvestigate Ltd (August 2024, G24227) and recommend that Condition 8 be discharged. Any subsequent intrusive investigation must be undertaken in accordance with good practice guidance.

The submitted information is therefore considered sufficient to recommend the discharge of condition 8.

Condition 13 – Materials

Condition 13 of application 2023/90956 reads as follows:

“13. The external materials used in the construction of the dwellings hereby approved shall consist of coursed natural stone and natural blue slate roof tiles.

No development above foundation level shall take place until a scheme of the materials of construction of the walling stone and roofing materials has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved which shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of adjacent Listed Buildings, to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 2, 8 and 13 of the Housebuilders Design Guide SPD."

In support of the discharge of condition 13, the applicant has submitted:

- Images of materials

The submitted schedule details the proposed materials as follows:

- External walls – Stone from Abacus Stone Local Quarry in Thongsbridge, Huddersfield
- Roof – Natural blue roofing slate.

The submitted details are considered to be in keeping with the existing development surrounding the application site and are therefore sufficient for the purposes of discharging condition 13. The applicant is reminded of the further stipulations of condition 13 which states "*The development shall thereafter be undertaken in accordance with the details so approved which shall be retained thereafter.*"

Decision Notice Text

Condition 4 – Bat/Bird Boxes

In support of the discharge of condition 4, the applicant has submitted:

- Proposed elevations ref: '24106 03A'

The submitted information is considered sufficient for the discharge of condition 4 and this condition is therefore discharged. It is a requirement of this condition that the boxes shall be installed before the dwelling upon which they are to be sited is brought into use and shall be retained thereafter

Condition 5 – Road marking

In support of the discharge of condition 5, the applicant has submitted:

- A plan titled Highway Details (drawing number 06) showing existing site access proposed demolition works and proposed highway works.

This was reviewed by KC Development Management Highways who stated the following:

1, The extent of the footway reinstatement works should be clearly shown on the plans which should be at least to the extents of the walls which to be removed to both sides of the proposed access.

2. The proposed give way line needs to be moved forwards to be in line with the white line build outs, the cycle lane should be shown with the margin to the parking bays on the eastern side of the access shown to be retained. The white line build outs to the eastern side of the access should also be shown.

3. The tactile paving areas need to be a minimum of three blocks deep at their narrowest points, not two as they are currently shown. This is because they are approached directly in-line with the crossing direction by visually impaired pedestrians and may be inadvertently stepped over.

No additional information was sent and therefore this condition cannot be discharged and remains.

Condition 6 – Access

In support of the discharge of condition 6, the applicant has submitted:

- A plan titled Construction Access (drawing number 07)
- A plan titled Construction Access (drawing number 07 Rev A)
- Document titled Condition 6 additional information 24106-PS02 – Rev A
- Dilapidation photos

The submitted detail is sufficient to allow the partial discharge of condition 6 this condition is part discharged insofar as the detail relates to the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities, pre-development road condition surveys, and the provision, use and retention of adequate wheel washing facilities within the site. It is a requirement of this condition that all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

This condition is not discharged in part, in relation to the requirement for a post-development road condition surveys and a schedule of remedial works which are required to be submitted to and approved in writing by the Local Planning Authority.

Records of the road condition prior to commencement of any works on site are recommended to be made as these will need to inform the post condition survey and subsequent requirement of remedial works.

Condition 8 – Phase I Desk Study Report

In support of the discharge of condition 8 the applicant has submitted:

- Ground Investigation Report by Soil and Structures, dated the 5th of February 2025 ref: '20493 001 V01'

K.C. Environmental Health were consulted on this report and they stated that they accept the Phase 1 Desk Study Site Investigation Report by Geoinvestigate Ltd (August 2024, G24227) and recommend that Condition 11 be discharged. Any subsequent intrusive investigation must be undertaken in accordance with good practice guidance.

The submitted information is therefore considered acceptable for the discharge of condition 8.

Condition 13 – Materials

In support of the discharge of condition 13, the applicant has submitted:

- Images of materials

The submitted schedule details the proposed materials as follows:

- External walls – Stone from Abacus Stone Local Quarry in Thongsbridge, Huddersfield
- Roof – Natural blue roofing slate.

The submitted details are considered to be sufficient for the purposes of discharging condition 13. The applicant is reminded of the further stipulations of condition 13 which states "*The development shall thereafter be undertaken in accordance with the details so approved which shall be retained thereafter.*"