

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/91108/E
Site Address:	Land at 1-4, Old Engine Close, Mirfield, WF14 0JF
Description:	Erection of 4 residential garages to serve nos 1-4 with associated external works
Recommending Officer:	Nicole Helliwell

DECISION – Conditional Full Permission

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 22 August 2024

Officer Report

Reference No. 2024/62/91108/E

Site Address: Land at 1-4, Old Engine Close, Mirfield, WF14 0JF

Proposal: Erection of 4 residential garages to serve no's 1-4 with associated external works

Site Description

The application relates to a parcel of land located adjacent to 1-4 Old Engine Close in Mirfield. The site is located in a predominantly residential area. The neighbouring dwellings are generally red brick properties of similar sizes and styles. The site is not within a conservation area, nor are there any listed buildings within close proximity. However, it is noted that a Public Rights of Way (MIR/1/10) is located along the southern and western boundaries of the site.

Description of Proposal

The application seeks planning permission for the erection of four residential garages with associated external works. The proposed works are summarised below:

- The structure would have a length of approx. 12.5m and a depth of approx. 6m.
- The garages would have an eaves height and an overall height of approx. 2.8m.
- The detached garages would be constructed in red brick and would incorporate a flat roof.
- New paved areas for bin storage and to allow vehicles to manoeuvre.

History of negotiations/amendments received

No amendments or additional plans have been sought or received during the course of the application.

Relevant Planning History

- **2007/91340:** Erection of 7 no. Dwellings and 4 no. Apartments. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2005/92243:** Demolition of existing dwelling and outline application for erection of 16 no. Apartments in 2 blocks. [Planning application details | Kirklees Council](#) – Conditional Outline Permission

Representations

The application was publicised by neighbour notification letters, which expired on 11th July 2024. As a result of the above publicity, four representations have been received. The comments made have been summarised below:

- I object for these plans due to the location of the garages, they are nowhere near the flats they are wanting them to build them for
- It will make it a lot harder for other owners to get on and off our drives.
- If the garages are built on the only green part of the estate, then people will park their vehicles in front of the garages. Which will make it a lot harder for us to be able to get on and off our drives.
- The houses and flats have been up 15/16 years why do garages need to be erected now?
- Once the management of the plots have sold 90% of the properties? No one who own their own property on old engine will like these going up and it will be harder for everyone to sell their properties
- There is a layby opposite numbers 8 to 5 which is for use of residents but owners of properties rarely park there even though there is the space. This indicates that these properties have no need for additional parking.
- This proposed development is directly in front of numbers 9-10 and 11 which is the opposing end to the houses for intended use. This will increase vehicular movement, noise and pollution on the road whilst eliminating the only green space on Old Engine Close.
- This development is not in keeping with the style of road and houses which also means they will be unsightly and oppressive.
- The construction noise of these would also impact on homes in the street with many residents working from home.
- Once completed the noise from use of the garages will also be apparent to the residents at the development end of the street.
- The detrimental impact on residents work life balance would be nothing short of compromised at every phase of the proposed development.
- The privacy of the homes at the development end of the street will be compromised since the garages are directly opposite the kitchen and lounge windows of a number of homes which will be overlooked.
- When I purchased this property 3 years ago, I was never told about any building being built on this plot, otherwise I wouldn't have purchased this house.
- The proposed development will be directly in front of my house which will be detrimental to our car parking spaces.
- This development is not necessary, nor is it needed.
- The only green space we have available for the children to enjoy, and this will be eliminated, hence lack of biodiversity.
- This development will cause nothing but chaos and these garages aren't even needed as everyone on the close has been parking absolutely fine for years.
- It will be unsightly and oppressive, and the children will have nowhere to play.

- This development will not only limit access to properties but the chaos it will cause and the work that will take place on such a small close will cause nothing but endless problems.
- We have been told as homeowners that we have to pay towards the cost of the road if needed, I will not be paying for any damage caused to our road as this development isn't even necessary or needed.
- I have enclosed my Hm Registry, and this shows that they will be also impeding on my land, and this cannot happen. The red area on the planned development isn't even to scale, and it shows the development will be encroaching on our land.
- This is a little close with some lovely people and their families and we have enjoyed this little space of green grass, and I will not let the developer take this away from us.
- Fundamentally we understand that the proposed plans encroach onto our land, as identified by our HM Land Registry document.
- Those accessing the garages would also be driving across our land to gain access.
- The garages will also cause a reduction of our turning space and impact on our manoeuvrability on our own driveway.
- Because of their location, and proximity, our privacy will be severely compromised due to the proximity of the garages to our home.
- Providing additional car parking to this development contradicts policy LP22 of the Local Plan, which states car parking should be kept to a minimum.
- We do not believe there is a need for the garages given the development was built many years ago.
- Those who live at numbers 1-4 already have parking spaces in front of their homes, while there is an underused lay-by much closer to their home than to where these garages are intended.
- People moved into numbers 1 to 4 many years ago without garages.
- These points indicate that these properties which the garages are intended to serve have no need for additional parking.
- We'd also like to confirm there is adequate public transport in the area.
- This does not comply with policy LP24 of the Local Plan, with the form, scale and layout of the proposal not reflecting the area, and with the natural environment being impaired.
- The garages would fail to sympathetically relate to the existing development and will eliminate the only green space on Old Engine Close. This lack of biodiversity, coupled with recent developments in the local area, including at the back of our home, have already reduced green space and is becoming a concern.
- This development will be immensely unsightly, ugly and overbearing, taking up valuable green space.
- The noise during the construction work will also have a detrimental impact.

Parish/Town Council Comments

Mirfield Town Council – No comments received

Local Ward Members

Not Applicable.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Environmental Health – No objections subject to recommended conditions

KC Highways Development Management – No objection subject to recommended condition

KC Ecology – No objection subject to the submission of a biodiversity gain plan

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 21** - Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate

in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 11** - Making Effective Use of Land
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan. Furthermore, in terms of extending and making alterations to a property, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework, regarding design.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details. The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

The garage building proposed would have a length of approx. 12.5m, a depth of approx. 6m and an overall height of approx. 2.8m. The garages would be constructed in red brick and would incorporate a flat roof. Although this feature would generally constitute poor design, the design of the garages would be typical for such a use and the structure would occupy a position 47m from Sunny Bank Road such that it would have limited visibility from public vantage points. Therefore, it is considered that the proposal would not have any significant detrimental visual impact on the character and appearance of the host property and wider street scene.

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 12 of the NPPF.

3. Impact on Residential Amenity of Neighbouring Residents

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Impact on 9, 10 and 11 Old Engine Close

9, 10 and 11 Engine Close are residential properties located north of the application site. The submitted plans confirm that the garage building would occupy a position approx. 14.3m to no.9, approx. 12.1m to no.10 and approx. 10.7m to no.11. Given that the structure would be single storey in height, would serve a non-habitable space and separation distances retained would be sufficient, it is considered that the proposed development would not result

in any further harm to the neighbour's residential amenity over the current situation.

Impact on 6 and 8 Sunny Bank Drive

6 and 8 Sunny Bank Drive are a pair of semi-detached bungalows located south of the application site. The submitted plans confirm that the garage building would occupy a position approx. 8m from the rear elevation of no.8 and approx. 10.7m from the rear elevation of no.6. Although the proposed development would have a close relationship with the neighbouring properties, it is noted that the application site is located on slightly lower ground and the garage building would be largely concealed by the existing boundary treatments. On this basis, it is considered that there would be no significant harm to the neighbour's residential amenity with regards to overbearing, overshadowing or overlooking impact.

Summary

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application seeks approval to the erection of four residential garages to serve house numbers 1-4 Old Engine Close. The proposed garages are shown to be located at the end of Old Engine Close on the opposite side of the road from house numbers 9 to 11. An area is shown cross hatched in red on the plans to represent the parking to the front of house number 9 to 11. Scaling from the plans, the minimum length of this parking area is 5m with at least 6m to the face of the proposed garages. Therefore, whilst the turning spaces would be reduced for house numbers 9 to 11, KC Highways consider that turning and manoeuvre should still be possible. Given that these proposals would provide additional off-street parking facilities for the residents of Old Engine Close and sufficient internal vehicle turning spaces is shown to be retained for no. 9 to 11, KC Highways Development Management have no objection to these proposals.

Therefore, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5. Other Matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Contaminated Land

The site of the proposed development is within 250m of a former landfill that may have an adverse impact on the development. From the submitted plans it appears that the garages will have up and over garage doors and are to be located away from their associated houses and unlikely to be converted to residential dwellings in the future. Therefore, KC Environmental Health recommend conditions relating to unexpected contamination being encountered during the construction phase.

Construction Noise

There is a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. Therefore, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Ecology

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021. Therefore, the approval of a Biodiversity Gain Plan will be required before development commences on site.

There are no other matters considered relevant to the determination of this application.

6. Representations

Four representations were received during the course of the application. The comments made have been summarised and addressed below:

- I object for these plans due to the location of the garages, they are nowhere near the flats they are wanting them to build them for
Response: *This matter would not constitute a material planning consideration.*
- It will make it a lot harder for other owners to get on and off our drives.
Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*
- If the garages are built on the only green part of the estate, then people will park their vehicles in front of the garages. Which will make it a lot harder for us to be able to get on and off our drives.
Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*
- The houses and flats have been up 15/16 years why do garages need to be erected now?
Response: *This matter would not constitute a material planning consideration.*
- Once the management of the plots have sold 90% of the properties? No one who own their own property on old engine will like these going up and it will be harder for everyone to sell their properties
Response: *This matter would not constitute a material planning consideration.*
- There is a layby opposite numbers 8 to 5 which is for use of residents but owners of properties rarely park there even though there is the space. This indicates that these properties have no need for additional parking.
Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*
- This development is not in keeping with the style of road and houses which also means they will be unsightly and oppressive.

Response: *The proposal's impact on the character and appearance of the street scene has been assessed within the 'Visual Amenity' section of the report.*

- The construction noise of these would also impact on homes in the street with many residents working from home.

Response: *Impacts from construction are temporary and are not material planning considerations.*

- The detrimental impact on residents work life balance would be nothing short of compromised at every phase of the proposed development.

Response: *Impacts from construction are temporary and are not material planning considerations.*

- The privacy of the homes at the development end of the street will be compromised since the garages are directly opposite the kitchen and lounge windows of a number of homes which will be overlooked.

Response: *The proposals potential impact on the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- When I purchased this property 3 years ago, I was never told about any building being built on this plot, otherwise I wouldn't have purchased this house.

Response: *This matter would not constitute a material planning consideration.*

- The proposed development will be directly in front of my house which will be detrimental to our car parking spaces.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- This development is not necessary, nor is it needed.

Response: *This matter would not constitute a material planning consideration.*

- This development will cause nothing but chaos and these garages aren't even needed as everyone on the close has been parking absolutely fine for years.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- We have been told as homeowners that we have to pay towards the cost of the road if needed, I will not be paying for any damage caused to our road as this development isn't even necessary or needed.

Response: *This matter would be a private matter and would not constitute a material planning consideration.*

- Those accessing the garages would also be driving across our land to gain access.

Response: *This matter would be a private matter and would not constitute a material planning consideration.*

- The garages will also cause a reduction of our turning space and impact on our manoeuvrability on our own driveway.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- Because of their location, and proximity, our privacy will be severely compromised due to the proximity of the garages to our home.

Response: *The proposals potential impact on the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- Providing additional car parking to this development contradicts policy LP22 of the Local Plan, which states car parking should be kept to a minimum.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- We do not believe there is a need for the garages given the development was built many years ago.

Response: *This matter would not constitute a material planning consideration.*

- It will be unsightly and oppressive, and the children will have nowhere to play.

Response: *The proposal's impact on the character and appearance of the street scene has been assessed within the 'Visual Amenity' section of the report.*

- Those who live at numbers 1-4 already have parking spaces in front of their homes, while there is an underused lay-by much closer to their home than to where these garages are intended.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- People moved into numbers 1 to 4 many years ago without garages.

Response: *This matter would not constitute a material planning consideration.*

- We'd also like to confirm there is adequate public transport in the area.
Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- This does not comply with policy LP24 of the Local Plan, with the form, scale and layout of the proposal not reflecting the area, and with the natural environment being impaired.
Response: *The proposal's impact on the character and appearance of the street scene has been assessed within the 'Visual Amenity' section of the report.*

- I have enclosed my Hm Registry, and this shows that they will be also impeding on my land, and this cannot happen. The red area on the planned development isn't even to scale, and it shows the development will be encroaching on our land.
Response: *As the applicant has signed Certificate B and has served notice on the neighbouring properties, they have followed the correct procedure from a planning perspective. Any neighbour disputes would constitute a civil matter that should be handled privately.*

- The garages would fail to sympathetically relate to the existing development and will eliminate the only green space on Old Engine Close. This lack of biodiversity, coupled with recent developments in the local area, including at the back of our home, have already reduced green space and is becoming a concern.
Response: *The proposal's impact on the character and appearance of the street scene has been assessed within the 'Visual Amenity' section of the report.*

- This development will be immensely unsightly, ugly and overbearing, taking up valuable green space.
Response: *The proposal's impact on the character and appearance of the street scene has been assessed within the 'Visual Amenity' section of the report.*

- The noise during the construction work will also have a detrimental impact.
Response: *Impacts from construction are temporary and are not material planning considerations.*

- Once completed the noise from use of the garages will also be apparent to the residents at the development end of the street.
Response: *KC Environmental Health were formally consulted on the proposed scheme and did not raise any concerns regarding noise.*

However, a footnote has been added restricting the times when noisy construction activities will be permitted.

- This proposed development is directly in front of numbers 9-10 and 11 which is the opposing end to the houses for intended use. This will increase vehicular movement, noise and pollution on the road whilst eliminating the only green space on Old Engine Close.

Response: *The garages proposed would be of a domestic use and are not considered to increase noise and pollution. The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- The only green space we have available for the children to enjoy, and this will be eliminated, hence lack of biodiversity.

Response: *A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021. Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.*

- This development will not only limit access to properties but the chaos it will cause and the work that will take place on such a small close will cause nothing but endless problems.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- I have enclosed my Hm Registry, and this shows that they will be also impeding on my land, and this cannot happen. The red area on the planned development isn't even to scale, and it shows the development will be encroaching on our land.

Response: *As the applicant has signed Certificate B and has served notice on the neighbouring properties, they have followed the correct procedure from a planning perspective. Any neighbour disputes would constitute a civil matter that should be handled privately.*

- This is a little close with some lovely people and their families and we have enjoyed this little space of green grass, and I will not let the developer take this away from us.

Response: *This matter would not constitute a material planning consideration.*

- Fundamentally we understand that the proposed plans encroach onto our land, as identified by our HM Land Registry document.

Response: *As the applicant has signed Certificate B and has served notice on the neighbouring properties, they have followed the correct*

procedure from a planning perspective. Any neighbour disputes would constitute a civil matter that should be handled privately.

7. Conclusion

This application for the erection of 4 residential garages with associated external works at land at 1-4 Old Engine Close has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/91108

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP21, LP22, LP24, LP30, LP52 and LP53 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. The garages hereby approved shall be faced in red brick for the external walls. The materials of construction shall thereafter be retained for the lifetime of the development.

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

4. If contamination, the presence of coal and/or evidence of coal workings is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been 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.

5. The development shall not be brought into use until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 2009 (ISBN as amended or any successor guidance. The parking space shall be so retained, free of obstructions and available for the use thereafter.

Reason: In the interests of highway safety and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: Development may not be begun unless:

- (a) a biodiversity gain plan has been submitted to the planning authority; and
- (a) The planning authority has approved the plan.

The biodiversity gain plan must include:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development; and
- (f) any such other matters as the Secretary of State may by regulations specify.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their

Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: This permission does not authorise the carrying out of works within the highway, including the re-siting of the street lighting column, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer and Street Lighting Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a

notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Site and Location Plans	01	-	05/06/2024
Proposal Site and Location Plans	02	-	05/06/2024
Proposal Garage Plans & Elevations	03	-	05/06/2024
Biodiversity Net Gain Assessment	-	-	05/06/2024
Small Site Metrics	-	-	05/06/2024
Climate Change Statement	-	-	05/06/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 16/08/2024