

**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:	2024/62/93144/W
Site Address:	Brigsteer, 402, Birkby Road, Birkby, Huddersfield, HD2 2DN
Description:	Erection of single storey extension to garage
Recommending Officer:	Molly Storer

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: 12-Mar-2025

Officer Report.

Site Description.

The application site relates to 402 Birkby Road, known as Brigsteer. The property is a large, detached dwelling situated on the north side of Birkby Road, approximately 45 metres east of the junction with Halifax Road. Vehicle access is provided by an unadopted road adjacent to the eastern boundary of the plot which continues to serve 5 other dwellings. The plot is somewhat elevated above the level of Birkby Road. Vehicular access to the unadopted road is taken at the north-east corner of the site.

The dwelling itself is of an asymmetrical design and layout, with most of the amenity space being to the south and west and there are several mature trees on the southern and eastern boundaries. The dwelling hosts an attached garage to the side

To the west, the site is bounded by the Church of Jesus Christ of Latter Day Saints grounds, and to the north by No. 408 Birkby Road. To the east, on the other side of the access road, is No. 400 Birkby Road, a detached dwelling on a large plot, while to the south, on the opposite site of Birkby Road, are some modern detached dwellings on smaller plots. The wider area is characterised by detached dwellings which are mostly either individually designed or form part of small modern developments.

Description of Proposal.

Planning permission is sought for the erection of a single storey extension to garage.

The extension will measure 6.4m x 7.5m and will create a garage that can accommodate two cars. It will be located at the rear of the house, leading off the back of the existing garage.

It will have a gable roof design with a maximum overall height of 4.4m. the extension is set down from the existing garage, both at eaves and ridge levels.

The materials will be natural stone walls and red tiled roof to match closely with the existing house.

History of Negotiations / Amendments.

No history of negotiations/amendments.

Relevant Planning History.

- 2003/94421 – Outline application for erection of one dwelling – Conditional Outline Permission.
- 2004/91771 – Reserved matters for the erection of a detached dwelling.

These two permissions granted planning permission for the dwelling.

- 2018/93226 - Erection of two storey extension – Approved by Huddersfield Planning Sub-Committee and granted Conditional Full Permission on 30th January 2019.

The development authorised by this permission was not implemented due to application 2018/90978 being allowed at appeal.

- 2018/90978 – Erection of single-storey and two-storey extensions. Refused by Huddersfield Planning Sub-Committee on 24th September 2018 for the following reason:

‘The proposed extensions, by reason of their scale, and in the context of and bulk and footprint of the existing dwelling relative to its plot size and those of surrounding houses, would amount to overdevelopment of the site. This would result in a visually assertive development out of character with, and harmful to, the visual amenity of the local area. This would be contrary to the aims of Policies D2(ii), BE1(ii) and BE2(i) of the Unitary Development Plan and PLP24 (a) & (c) of the Publication Draft Local Plan and paragraph 127 of the National Planning Policy Framework.’

This application was subsequently allowed at Planning Appeal, ref APP/Z4718/D/18/3218457 with the Inspectorate granting permission on 19th March 2019. In relation to the appeal, the Planning Inspectorate stated in their appeal decision letter dated 19th March 2019 that

‘The plot coverage following the implementation of the extensions would not be dissimilar to that of No 408. In any event, the Council’s policies do not establish a proportion of plot coverage above which would be deemed over-development. On the evidence before me, the extensions would therefore appear subservient in their scale and form and the proposal would ensure that the extended dwelling would still

remain within a landscaped plot with reasonable distances maintained to each boundary.'

Following the grant of planning permission, at appeal, the permission was subsequently implemented.

- 2019/91842 – Erection of detached garage – *Refused*.

Reason for refusal:

'The proposed detached garage, by reason of its scale and position forward of the host property and adjacent to Birkby Road, and when combined with other extensions undertaken at the application site would represent an overdevelopment of the site, that would be visually assertive and out of character with, and harmful to, the visual amenity of the local area. The proposal would therefore be contrary to the aims Policy LP24 (a) of the Kirklees Local Plan and paragraph 127 of the National Planning Policy Framework.'

This refusal was the subject of an appeal which was dismissed. Within the Inspectorate's decision letter the inspector stated that this was due to visual amenity reasons such as bulk and massing to the front of the property and stated that 'the garage would not be disproportionate to the size of the plot'.

- 2020/92400 – Erection of detached garage. Approved by Huddersfield Planning Sub-Committee with Conditional Full Permission granted 14th December 2020.

This application was a resubmission of the previously refused application for a detached garage (ref: 2019/91842). This application was considered to have overcome the previous reason for refusal, having regard to the Inspectorate's decision in relation to application 2019/91842.

- 2020/93467 – Erection of gates and gate post. *Conditional Full Permission granted 17th December 2020*.
- 2024/92022 – Erection of a detached garage - *Conditional Full Permission*.

This application was the same development previously consented by permission 2020/92400.

Representations.

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised via neighbour letters.

Final publicity date expired: 17th December 2024

In response to publicity, five letters of objection from members of the public were received in addition to one letter of objection from councillors . These raised the following concerns which are summarised below:

- Height is higher than the maximum permitted in the SPD.
- There may not be sufficient room to turn around inside the gates causing further disruption.
- Same extension was unacceptable in 2018.
- Overdevelopment – multiple planning applications at the site, if this were to be approved, they could also build the detached garage approved under app number 2024/92022. It will also have a large footprint adding to bulk and massing at the site. Applicant says that this current application is instead of building the above approved detached garage, therefore previous permission should be void.
- Residential and Visual Amenity – out of context with the area, will be closer than other properties on the street and will not have sufficient amenity space.
- Site Access – delivery vehicles may be blocked when the extension is under construction and delivery vehicles park on the lane as there is not room to turn round in the gates. The extension will result in the access lane becoming blocked up.

Councillor objection:

- The proposal will result in overdevelopment because of the cumulative impact of other applications at the site.
- Density exceeds what is appropriate for this part of the ward, failing to respect the character and scale of surrounding developments.
- Increased density will lead to further pressure on parking, traffic, and local services.
- This application does not align with local or national planning policies.

Consultation Responses.

None required.

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 application site is located outside the boundaries of the Edgerton Conservation Area. Whilst within proximity of the Conservation Area, the proposed garage extension would be set away from the boundary and within a separate residential garden and would be located to the rear of the existing property. Taking this into account, it is considered that the proposal would preserve the setting of the Conservation Area. As such, it is not considered that any further assessment of the application is required with regard to the heritage significance of the Conservation Area.

The application site is located within an area with a known presence of bats.

The site is located within the 'Historic Landfill 250m buffer' layer on the Council's GIS mapping system.

The site is located within an area, identified by the Coal Authority, as being at low risk of at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP33 – Trees
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality

Supplementary Planning Documents:

- Kirklees Highway Design Guide
- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- 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.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

The key assessment for this application will be the design of the development and its impact on the character and appearance of the local area. The impact of the development on visual amenity, residential amenity, highway safety and all other material planning considerations will be assessed below.

1) Impact on Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

Section 5.6 of The House Extensions and Alterations SPD sets out guidance relating to outbuildings. Paragraph 5.29 states:

‘Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building’.

Paragraph 5.30 goes further to set out that outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings.
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house and follow a general principle that no more than 50% of garden space should be lost.

This will be considered however as the garage is attached to the main dwelling it will be classed as a rear extension.

Section 5 of The House Extensions and Alterations SPD sets out guidance relating to single storey rear extensions. Paragraph 5.5 states:

‘Single storey rear extensions can have an adverse impact on neighbouring properties and gardens. Careful consideration should therefore be given to the design of these extensions to ensure their height and windows do not harm the privacy of neighbours.’

Paragraph 5.6 goes further to set out that single storey extensions should normally:

- be in keeping with the scale and style of the original house.

- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties.
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Previous to the 2020 and 2024 applications an application for a detached garage was refused at the site. This application proposed a large double garage with a pitched roof located in the Southeast corner of the plot, alongside Birkby Road. The reason for refusal is detailed in the 'Planning History' section of this report.

Application 2020/92400 was able to overcome this reason for refusal proposing a garage in a similar location, but the design was amended to incorporate a flat roof to reduce the impact in this prominent position. This proposal was renewed recently under the reference 2024/92022.

Given the overall size, scale and height of the proposed garage extension to No. 402 Birkby Road, it is not considered that it would amount to over development of the site. This same conclusion was drawn upon the determination of previous application 2024/92022 and 2020/92400, which sought permission for a detached garage, at the southeast of the site.

It is noted that if the current proposal were to be approved, both the detached garage and the garage extension could both be constructed. However, it is considered that given the limited height, set down from both the eaves and ridge of the original building and being single storey in height that this would not constitute over development. The detached garage and garage extension would be situated on different areas of the large plot and the garage extension would be located to the rear, behind the existing attached garage.

Furthermore, given the large plot it is considered that the garage extension and previous extensions would not cover more than half the total area around the original site. Although, the garage would exceed some points outlined in the SPD for single storey extension such as exceeding 4m in height and projecting further than 4m it is considered that for this specific property the extension would be limited in terms of bulk and massing. In addition, it does comply with the SPD with regard to having an eaves height of 2.5m and retaining a gap of 1m to the boundary.

Turning to the impact on the character of the local area, the site is currently screened by a number of conifer trees and the garage extension would not be in closer proximity to Birkby Road or the unadopted highway maintaining a distance of 29m and 17m respectively.

In addition, whilst the ground level of the property is set up above the ground level of Birkby Road, the proposed garage would be set down within the site, being approximately 0.6 metres lower than the existing ground level. This topographical siting would reduce its visibility in the street. Furthermore, the enclosed nature of the extension means that it would be largely situated between the existing property (between the garage and main house) and would not project further than the existing rearward projection meaning it will be fully screened. These aspects combined are considered to ensure that the garage extension would not appear as overly prominent from Birkby Road or within the wider local area. The impact of the development on the street scene and local area is therefore considered to be acceptable.

With regards to the appearance of the garage extension, it would be faced in materials to match the appearance of the host dwelling and the existing garage. The application form and design statement state that the materials used will be natural stone walls and red tiled roof, to match closely with the existing materials.

Fenestration detailing would be limited to a double small window and a single door on the rear west elevation with no openings within either side elevation. Therefore, the building is considered to appear as a subservient addition, and the use of matching materials to the exterior walls would help it to harmonise with the host dwelling. The proposed gable roof, whilst not matching the approved detached garage which was of a flat roof design to aid in reducing the prominence of the garage, is on balance considered to be acceptable as it matches the host dwelling and given its location is not needed to aid in reducing prominence.

In conclusion, given the limited scale of the garage extension and its low eaves height, the proposal is considered to be of an acceptable design in its own right and when considered as an extension to the principal dwelling. Taking these factors into account furthermore, it would not have a detrimental impact on the character, appearance or visual amenity of the street scene along Birkby Road. The proposal would therefore accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *“...maintain appropriate distances between buildings”* and *“...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause

unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

The proposal would see the retention of an appropriate extent of outdoor amenity space at No. 402 Birkby Road, in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

The property in closest proximity and most likely to be affected by the proposal would be 408 Birkby Road. This property is located to the north of the application site. With regards to privacy there are no windows proposed in the elevation facing this property and, in any case, there is a ~1.8m fence separating the two properties meaning privacy to this property will not be significantly impacted. With regards to overbearing/overshadowing impact the distance to the nearest external house wall to the neighbouring property (408) is in excess of 12.0m, with a gap to the side boundary of 3m. As a result the garage extension will not be in closer proximity to No.408 than the existing garage and therefore will not result in any significant further harm than the existing situation.

Given the separation distances achieved it is considered that the proposed garage extension would not adversely impact on residential amenity and would not warrant reason for refusal, according with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF in terms of residential amenity.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Given that the point of access already exists, and there are no additional bedrooms proposed, it is considered that the erection of the garage extension would not intensify vehicular movements to and from the site. The proposed extended garage is of a suitable size to accommodate vehicles and access arrangements to the garage are considered to be acceptable.

In conclusion, the highway arrangements for this application are considered to be acceptable and would accord with Policies LP21 and LP22 of the Kirklees Local Plan.

4) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy

efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 predates 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system.

The proposal would not see any works or alterations to existing roofing forms at the site. Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

Contaminated Land:

The site is located within the 'Historic Landfill 250m buffer' layer on the Council's GIS mapping system.

Policy LP28 seeks to ensure development has an acceptable impact, having regard to surface water drainage. Policy LP53 of the Kirklees Local Plan and paragraphs 186 and 195 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

Paragraph 190 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.

Upon any grant of approval, a condition would be imposed regarding unexpected contamination.

Subject to the inclusion of this condition, the proposal is considered to be acceptable in this regard.

5) Representations

- Height is higher than the maximum permitted in the SPD.

Officer response: It is noted that the maximum height does not strictly comply to the SPD however on balance this is considered acceptable due to the eaves heights measuring 2.5m aligning with the SPD and the eaves and ridge height being set down from the existing.

- There may not be sufficient room to turn around inside the gates causing further disruption.

Officer response: It is considered that as no additional bedrooms are proposed the intensification of the site will not increase. As for turning space within the site, this will not be impacted as the proposal is to the rear and no further space will be taken up at the front where vehicles would turn.

- Same extension was unacceptable in 2018.

Officer response: The 2018/90978 application which was refused by Huddersfield Planning Sub-Committee on 24th September 2018 was subsequently allowed at Planning Appeal, ref APP/Z4718/D/18/3218457 with the Inspectorate granting permission on 19th March 2019

- Overdevelopment – multiple planning applications at the site, if this were to be approved, they could also build the detached garage approved under app number 2024/92022. It will also have a large footprint adding to bulk and massing at the site. Applicant says that this

current application is instead of building the above approved detached garage, therefore previous permission should be void.

Officer response: The issue of overdevelopment has been discussed in the above report this includes the impact of both the detached garage and the proposed garage extension

- Residential and Visual Amenity – out of context with the area, will be closer than other properties on the street and will not have sufficient amenity space.

Officer response: It is considered that a reasonable amount of amenity space would be maintained and given the location to the rear and significant separation distance will not significantly impact visual or residential amenity.

- Site Access – delivery vehicles may be blocked when the extension is under construction and delivery vehicles park on the lane as there is not room to turn round in the gates. The extension will result in the access lane becoming blocked up.

Officer response: The garage would increase parking space onsite meaning on street parking would decrease along the access lane. Upon any grant of approval, a footnote shall be included regarding construction site working times. It is considered that there are legislations in place, separate to the granting of planning permission, which are related to construction works. Given the scale of the development, it is considered this is a proportionate approach in relation to disturbance that would arise during the construction phase.

Councillor objection:

- The proposal will result in overdevelopment as a result of the cumulative impact of other applications at the site.
- Density exceeds what is appropriate for this part of the ward, failing to respect the character and scale of surrounding developments.
- Increased density will lead to further pressure on parking, traffic, and local services.
- This application does not align with local or national planning policies.

Officer response: The issue of overdevelopment has been discussed in the above report this includes the impact of both the detached garage and the proposed garage extension. It is considered that the density is acceptable given this specific site and the location of the proposed extension which is considered limited in relation to the existing and the large plot. The garage will add extra parking on the site therefore reducing pressure on parking on the single track. No additional bedrooms are proposed meaning there will be no additional pressure on local services. It is considered that the application does align with local and national planning policies.

6) Conclusion

In conclusion, the proposed garage extension is considered to be of an acceptable visual design and scale, and which would not have an unacceptable impact on the local street scene. The proposal would not adversely impact on residential amenity or highway safety.

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 it is therefore recommended for approval.

Recommendation: Approve
Decision Authorisation – Delegated Powers
Application Number: 2024/93144
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.
1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, LP21, LP22, LP24, LP30, LP51 and LP52 of the Kirklees Local Plan policies within Chapters 2, 4, 12, 14 & 15 of the National Planning Policy Framework.
2. The external walls of the garage hereby approved shall be faced in regular coursed natural stone. These materials shall be thereafter retained.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
3. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission 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. 186, 190 and 195 and policies within Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of the The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: Construction Site Working Times

No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

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.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	-	-	05/11/2024
Block plan	-	-	05/11/2024
Existing plans	2381 01	-	05/11/2024
Proposed plans	2381 02	-	05/11/2024
Application form	-	-	05/11/2024
Climate change statement	-	-	05/11/2024
Design statement	-	-	05/11/2024

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 20 a24nd otherwise actively engaged with the applicant in dealing with the application. No amendments were received, the application was considered acceptable as submitted.

Report Dated:

13th March 2025