

**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: 2019/62/92238/E

Site Address: land at, Westfield Farm, Barnsley Road, Flockton,
Huddersfield, WF4 4DW

Description: Demolition of existing buildings, renovation of
farmhouse and erection of 4no dwellings including
garages and formation of new access.

Recommending Officer: Sarah Longbottom

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.**

Rebecca Drake

AUTHORISED OFFICER

Date: 06-Dec-2019

Officer Report

Site Description

The application site comprises a former farmstead with farmhouse and a number of stone barns and outbuildings and steel framed sheds. The site is located on the junction of Barnsley Road with Haigh Lane. The existing buildings were most recently used as a landscaping gardening/Plant Nursery business.

There are two points of access into the site located on Barnsley Road, one of which appears to have been unused for some time.

Description of Proposal

Permission is sought for the erection of four dwellings on the site. This would involve the demolition of the existing buildings with the exception of the existing farmhouse which would be retained and refurbished with the addition of a garage and link extension.

The dwellings would have a courtyard style layout, with vehicular access taken from Haigh Lane. The two existing access points off Barnsley Road would be closed.

Due to the topography of the site, there is a change in levels down from Barnsley Road to the open field to the south.

The dwellings would be constructed of natural stone with artificial stone and blue slate roofs.

History of negotiations/amendments received

Through the course of the application, additional information was requested in the form of soakaway test results, ecological information, and amended site and block plans rectifying an annotation error.

Relevant Planning History

2017/20385 – Pre-application enquiry for erection of 5 dwellings – formal response sent.

Representations

The application was publicised by site notice and neighbour notification letter. As a result of site publicity, three representations were received which confirmed that there was no Field Gate access to be closed as shown on the submitted site layout and block plan.

Kirkburton Parish Council was notified of the application and responded to state “no comments”.

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 Ecology Officer: recommend conditions with respect to mitigation measures
- KC Highways DM: Recommend provision of bin collection points close to the site entrance
- KC Environmental Services: Recommend imposition of conditions
- The Coal Authority: Recommend imposition of conditions

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 although a small portion of the southern part of the site is located within the Green Belt.

Kirklees Local Plan (LP):

- **LP 1** – Presumption in favour of sustainable development
- **LP 7** – Efficient and effective use of land and buildings
- **LP 21** - Highway safety and access
- **LP 22** - Parking
- **LP 24** – Design
- **LP 28** - Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 38** – Minerals Safeguarding
- **LP 51** – Protection and improvement of local air quality
- **LP 53** – Contaminated and unstable land
- **LP 59** – Brownfield sites in the Green Belt

Other supplementary planning documents

Highways Design Guide

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

published 19th February 2019, 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.

- Chapter 22 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving the natural environment

Assessment

Principle of Development

The majority of the site is located on land without notation on the Kirklees Local Plan, and a small portion of the southern part of the site is located within the Green Belt.

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Chapter 2 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations) which are interdependent and need to be pursued in mutually supportive ways.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Amongst other things, residential or visual amenity, highway safety or the character of the area are all considerations are addressed later in this assessment.

Turning to housing land supply, in the recently adopted Kirklees Local Plan the Council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).

Chapter 5 of the NPPF clearly identifies that Local Authorities should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 68 of the NPPF recognises that “small and medium sized sites can make an important contribution to meeting the housing

requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should...

support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

The development site is located within a village. Although the Local Planning Authority can demonstrate a five year land supply, the development of this windfall site, which has an existing dwelling would contribute to the housing delivery by providing four additional dwellings, likely to be built fairly quickly.

The principle of residential development on the unallocated part of the site would be acceptable.

Layout and Design

The site includes the existing farmhouse which is to be retained as part of the development. The retention of the farmhouse is welcomed since it is characteristic of the semi-rural nature and history of the village.

The dwellings would be split level 2/3 storey (Units 1 and 2) and two storeys (Units 3 and 4) with garages and this scale is considered appropriate to the scale of the existing farmhouse and surrounding pattern of development, and taking into account the topography of the site. The courtyard-like layout proposed would be comparable to adjacent farm redevelopments to the east, however Units 1 and 2 would have an active frontage to Barnsley Road. It is acknowledged that the existing buildings on the site do not address Barnsley Road in this way, however at the time of the formal pre-application enquiry, Officers advised the applicant to take this into consideration as an example of good design, and in carrying this through to the application, the development is considered to accord with the aims of Policy LP 24 of the KLP.

The use of natural stone for walling and artificial stone and slate for roofing materials would be sympathetic to the local vernacular and the proposed boundary treatments (natural stone walling, fencing and hedges) would also be considered to be appropriate in this context, particularly as the site is located at a gateway to Flockton when approaching from the west. The design of the proposed dwellings would vary between Units 1 and 2, providing some visual interest, whilst Units 3 and 4 would have a similar appearance with some design elements taking reference from converted agricultural buildings. The use of stone quoins, cills, lintels and mullions in addition to sash style windows and timber doors would contribute to a good quality design, sympathetic to the semi-rural location of the site.

The density of the proposed development would equate to 25 dwellings per hectare. Policy LP 7 of the KLP states:

To ensure the best use of land and buildings, proposals:

a. should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;

- b. should encourage the reuse or adaptation of vacant or underused properties;*
 - c. should give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value;*
 - d. will allow for access to adjoining undeveloped land so it may subsequently be developed.*
- Housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme:*
- a. developments should achieve a net density of at least 35 dwellings per hectare, where appropriate;*
 - b. higher densities will be sought in principal town centres and in areas close to public transport interchanges*

The proposed development would result in the retention and refurbishment of the existing farmhouse in accordance with part b of Policy LP 7, and the redevelopment of the site for residential use which is compatible with the predominant land use, within the village. Whilst the density of the development would be lower than that set out in Policy LP 7, it should be noted that at the time of the formal pre-application enquiry, the applicant was advised to consider amending the layout or reducing the number of units proposed to achieve adequate separation distances within the site (in order to accord with Policy BE12 of the UDP which was relevant at that time). As part of the current application, the siting of Units 1 and 2 has been amended since the pre-application enquiry to move them closer to Barnsley Road. As a consequence, therefore, it is considered that to increase the density of the development is likely to impact upon the amenity of future occupiers, and therefore, the density requirement of 35 dph is not appropriate in this instance.

The proposed extension and refurbishment of the existing farmhouse would result in the addition of a double garage with link extension, at right angles to the farmhouse to form an L-shaped layout. This would bring development relatively close to Unit 2, however as this would be single storey in scale it is considered to have an acceptable relationship and spacing in relation to that unit. Due to the siting of this part of the proposals, set back from Barnsley Road, it would not appear strident within the street scene, and would be subordinate in relation to the farmhouse itself. The design and materials of construction would be appropriate and sympathetic to the character and appearance of the farmhouse and new development.

Residential Amenity

The proposed dwellings would be orientated north-south with habitable room windows within front and rear elevations. Separation distances within the site (between the front and rear plots) would vary between 18 and 20m whilst the separation distance between Unit 2 and 33-35 Barnsley Road would be approximately 20m. The layout of the development is such that the farmhouse

as refurbished would overlook the shared courtyard, although not private amenity spaces.

The development would include private amenity space to serve each unit, including the refurbished farmhouse. This would vary slightly in its extent between Units 1 and 2 and 3 and 4. With respect to Units 3 and 4, the rear boundary of the site adjoins a field within the designated Green Belt. At the time of the pre-application enquiry, the gardens of Units 3 and 4 were proposed to extend into the Green Belt and the applicant was advised against this. The current proposal now includes only the footprint of an existing building to be demolished. Notwithstanding the Green Belt aspect, this is considered to be adequate to provide a good standard of amenity for future occupiers.

With respect to the existing neighbours to the east of the application site, the proposed renovation works to the existing farmhouse are considered to have a minimal impact. There would be no harmful loss of privacy and no significant overbearing or overshadowing from the proposed works.

The proposals are considered to be acceptable from a visual amenity perspective, and in accordance with Policy LP 24 of the KLP and guidance contained within Chapter 12 of the NPPF.

Impact on openness of Green Belt

The application site is unallocated with the exception of a small portion of land within the Green Belt to the southern part of the site, currently occupied by a building of 6.7m in overall height. This building is to be removed as part of the proposals, and the resulting area which it occupies is to be surfaced in free draining artificial stone setts.

The applicant asserts that the removal of this building, the reinstatement of the original levels which have been elevated to provide a level floor, and its reinstatement as part of a domestic garden will provide a significant improvement to the visual amenity and openness of the Green Belt.

Although historically a farm complex, the current use of the site is stated by the applicant to be occupied by a plant nursery/landscaping business (from the photographs provided with the application, and the case officer's site visit, there also appeared to be no evidence of an agricultural use). It follows that the site would therefore constitute previously developed land. In such circumstances, Policy LP 59 of the KLP would be relevant. This states:

"The partial or complete redevelopment will normally be acceptable, provided that:

a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;

b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded;

and

c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.

.....In all cases regard should be had to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting”

Paragraph 145 g) of the NPPF is also consistent with this, stating that new development should not have a greater impact on the openness of the Green Belt than the existing development.

In addition to the above, para.146 e) of the NPPF advises that the material change of use of land is also not inappropriate within the Green Belt provided it preserves its openness and do not conflict with the purposes of including land within it

Provided that the southern part of the site within the Green Belt remains free from development, the openness of the Green Belt would be retained. However, it would be necessary to restrict further development on the site in order to prevent encroachment into the Green Belt, should the proposed development be considered to be acceptable. This could be controlled by removing permitted development rights for the erection of extensions and outbuildings.

On the basis of the above, and subject to the imposition of the condition suggested, it is considered that the development would accord with Policy LP 59 of the KLP and guidance contained within Chapter 13 of the NPPF.

Impact on Highway Safety

The site is located at the junction of Barnsley Road (A637) and Haigh Lane. There is a change in levels of around 3 metres from the north to the south away from the Barnsley Road frontage. Haigh Lane to the west of the site is approximately 4.8m in width with no footway provision.

The two existing points of access to the site consist of an open access at the north-west corner of the site which is in use for domestic and commercial vehicles on a day to day basis and a further gated access at a central point along the frontage used less frequently for access to the farmhouse. Visibility from both access points is limited.

The submitted layout proposes the provision of an informal shared private driveway to serve the new dwellings with turning space. Both access points onto Barnsley Road are indicated to be closed with a new access onto Haigh Lane adjacent to the western part of the site. Additional highway improvements are proposed to include the creation of a 2.0m wide footway to the northern and western site boundary and the widening of Haigh Lane to 5.5m and improvements to the Haigh Lane/Barnsley Road junction radii.

There are no objections from Kirklees Highways DM to the proposed development taking into account the proposed closure of the existing access points and highway improvements, although a condition would be required to be imposed, should permission be granted, requiring details of facilities for a bin collection point close to the site entrance. In addition, an informative note would be required to advise the applicant to contact the Council's Highways Structures team in relation to the requirement for any retaining features affecting the highway as these will require formal technical approval by the Highway Authority. Finally, a lighting column may need to be relocated and as such, an informative note would be required in relation to this.

Subject to the suggested conditions and footnotes, the proposals would be acceptable from a Highways perspective, in accordance with Policies LP 21, LP 22 and LP 24 of the KLP.

Flood Risk and Drainage

The site is located approximately 55m to the north of the Flockton Beck although outside of any flood zone.

With respect to surface water drainage, the submitted plans and details indicated the use of soakaways. Further details were requested with respect to this to ensure that this method would be appropriate in this location. The Lead Local Flood Authority were consulted on this information and confirmed that this was acceptable. It is noted that the ditch for the soakaway is indicated to be located within the field to the south of the development. This is within the applicant's ownership (within the blue line boundary) on land allocated as Green Belt. This arrangement is not therefore likely to prejudice any future development.

The details submitted are considered to be acceptable and in accordance with the Hierarchy of Sustainable Drainage, in accordance with Policy LP 28 of the KLP.

Ecology

The site is considered to be of local importance for bats. At the pre-application stage, the applicant was advised that any subsequent application for development at this location would need to demonstrate how the value of the site for roosting bats would be maintained in the long-term.

The application was accompanied by a bat survey and throughout the course of the application, correspondence was exchanged between the applicant's consultant and the Council's Ecology Officer. Additional details were subsequently provided in the form of an updated survey, Proposals Plan and Bat Lighting Constraints plan. The Ecology officer has confirmed that these details were acceptable, and subject to the imposition of conditions, the development will accord with Policy LP 30 of the KLP and government guidance contained within Chapter 15 of the NPPF.

Air Quality and Contamination

The proposal has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. The proposal is regarded as a minor development and to mitigate against the impact on air quality, one electric vehicle charging point per dwelling would be required, in accordance with Policy LP 24 of the KLP.

A Phase I contaminated land report undertaken by Met Consultancy (dated 2/7/18) has been submitted with the application. The Council's Environmental Health officer agrees with the conclusions of this report and recommends the imposition of conditions relating to further site investigations and remediation measures. This would ensure that the development accords with Policy LP 53 of the KLP.

Coal Mining Legacy

The site is located within a High Risk Area as defined by the Coal Authority and a Coal Mining Risk Assessment was submitted with the application. This was assessed by the Coal Authority who confirmed that they had no objections, subject to the imposition of conditions which would ensure the development accords with guidance contained within Chapter 15 of the NPPF.

Representations

The representations received primarily relate to the details shown on the submitted site plan, block plan and contained within the Design and Access Statement. These incorrectly referred to a farm gate/field access at the south west corner of the site. This matter has been raised with the applicant's agent who has agreed both verbally in writing that this is an error and that this access does not exist, and has subsequently removed reference to this on the submitted plans and details.

Other Matters

Minerals Safeguarding

The site is within a wider mineral safeguarding area relating to sandstone. Local Plan Policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. In this case, the site is relatively small in scale enclosed by roads to two sides and residential development to a third side. As such, it would not be suitable for mineral extraction.

Conclusion

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 – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2019/92238

Officer Recommendation: Conditional Full Permission

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 Policies LP21, LP24 and LP59 of the Kirklees Local Plan and government guidance contained within the National Planning Policy Framework.

3. Samples of walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwellings hereby approved. The approved materials shall then be used to construct the proposed development.

Reason: In the interests of visual amenity and to accord with Policy LP 24 of the Kirklees Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.

4. A landscape plan (hard & soft landscaping) shall be submitted to the Local Planning Authority before any landscape works take place. The development shall then be carried out in complete accordance with the approved details before the dwelling is first brought into use and shall be retained thereafter.

Reason: In the interests of visual amenity and to preserve the openness of the adjacent Green Belt, in accordance with Policy LP 24 of the Kirklees Local Plan and guidance contained within Chapters 12 and 13 of the National Planning Policy Framework.

5. Details of boundary treatments shall be submitted to the Local Planning Authority before development commences on the superstructure of the dwellings hereby approved. The works shall then be carried out in complete accordance with the approved details before first occupation and shall be retained thereafter.

Reason: In the interests of visual amenity and to preserve the openness of the adjacent Green Belt, in accordance with Policies LP21 and LP 24 of the Kirklees Local Plan and guidance contained within Chapters 12 and 13 of the National Planning Policy Framework

6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking or re-enacting that Order) no development or alterations included within Classes A-E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure that unsatisfactory extensions do not result in close overlooking of adjoining properties and to preserve the openness of the Green Belt, in accordance with Policies LP 24 and LP 59 of the Kirklees Local Plan and government guidance contained within Chapters 12 and 13 of the National Planning Policy Framework.

7. The development shall not be brought into use until the internal vehicular/pedestrian shared surfaces and parking/driveways 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 (driveways)' published 13 May 2009 (ISBN 9781409804864) as amended or superseded; and retained thereafter.

Reason: In the interests of highway safety and to accord with Policy LP 21 of the Kirklees Local Plan.

8. The development shall not be brought into use until a bin collection point has been provided adjacent the site entrance to enable bins to be collected without obstruction to the proposed footway or proposed private driveway.

Reason: To ensure an adequate layout in the interests of highway safety, in accordance with Policies LP 21 and LP 24 of the Kirklees Local Plan.

9. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point for every 10 unallocated residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In order to meet the Council's sustainability objectives in accordance with the aims of Policies LP24 and LP51 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is safe and stable to accommodate development, and that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site, in accordance with Policy LP 53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the national Planning Policy Framework. This a pre-commencement condition to ensure appropriate timing of the necessary works.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 10, further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the site is safe and stable to accommodate development, and that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site, in accordance with Policy LP 53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the national Planning Policy Framework. This a pre-commencement condition to ensure appropriate timing of the necessary works.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. In the event that

remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority.

Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the site is safe and stable to accommodate development, and that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site, in accordance with Policy LP 53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the national Planning Policy Framework. This a pre-commencement condition to ensure appropriate timing of the necessary works.

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part

of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Response: To ensure the site is safe and stable to accommodate development, and that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site, in accordance with Policy LP 53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the national Planning Policy Framework

14. Before construction work commences a report specifying the measures to be taken to protect the development from noise from road traffic shall be submitted to and approved in writing by the Local Planning Authority The report shall:-

- a) Determine the existing noise climate
 - b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development.
 - c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).
- The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of future occupiers of the development, in accordance with Policy LP 24 of the Kirklees Local Plan.

15. All ecological measures described in Section 6.3 of the Westfield Farm, Flockton Bat Survey Report (dated 12/08/2019), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination, shall be implemented in full and all features created will be retained in that manner thereafter. Measures to be implanted include the following.

- a. Constriction of a bat loft, to be completed within the specified timescale.
- b. Destruction of existing roosts, within specified timescale.
- c. Installation of four bat boxes.
- d. Implementation of a lighting design in accordance with the identified lighting constraints.

Reason: To ensure significant ecological harm is prevented in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. Any works that directly or indirectly affect roosting bats or bat roosts shall take place in any circumstances unless the Local Planning Authority has been provided with either:

- a. a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead;
- b. written confirmation of Site Registration under the Low Impact Bat Class Licence;
- c. a statement from a suitably qualified ecologist, agreed in writing by the Local Planning Authority, to the effect that suitable measures are in place to ensure the development can proceed without resulting in an offence under regulation 43 of the Conservation of Habitats and Species Regulations 2017.

Reason: to ensure the proposed works do not result in a criminal offence under the Conservation of Habitats and Species Regulations 2017.

17. The development shall be carried out in accordance with the Flood Risk and Drainage Statement undertaken by Stevenson Associates and subsequent soakaway tests.

Reason: To ensure the adequate drainage of surface water from the site, in accordance with Policy LP 28 of the Kirklees Local Plan and guidance contained within Chapter 14 of the National Planning Policy Framework

NOTE Any retaining features affecting the highway will require formal technical approval by the Council as the Highway Authority. Please contact Farhad Khatibi (Team Leader) on 01484 221000 who will be able to advise you of the necessary requirements in more detail.

NOTE All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours , Saturdays

With no noisy activities on Sundays or Public Holidays

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 notices 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
Site Location Plan	OS1		03.07.19
Site Survey	S9164		03.07.19
Block Plan	P7	A	03.12.19
Proposed Site Layout	P1	B	27.11.19
Site Sections	P2		03.07.19
Proposed Elevations and Floor Plans – Farmhouse	P3		03.07.19
Proposed Elevations and Floor Plans – Unit 1	P4		03.07.19
Proposed Elevations and Floor Plans – Unit 2	P5		03.07.19
Proposed Elevations and Floor Plan – Units 3 and 4	P6	C	12.08.19
Design and Access Statement		02	16.08.19
Bat Survey Report	MEC/BAT/2017/68/3		12.08.19
Bat Lighting Constraints Plan			12.08.19
Flood Risk and Drainage Statement			03.07.19
Phase I Desk Study	P18-00854		03.07.19
Soakaway Test Results			09.08.19

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 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. Through the course of the application, additional information was received in respect of drainage and ecology and accurately annotated plans.

Report Dated: 06.12.19

