KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	**2024/70/91088/E**
Site Address:	land at, Westfield Farm, Barnsley Road, Flockton, Huddersfield, WF4 4DW
Description:	Variation of condition 2 (plans) on previous permission 2023/90171 for demolition and re-building of existing farmhouse with extensions and the erection of one dwelling (amended house type)
Recommending Officer:	Nicole Helliwell

DECISION – APPROVE VARIATION OF CONDITION 2

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: 02-Jul-2024

Officer Report
Reference No. 2024/70/91088/E
Site Address: Land at, Westfield Farm, Barnsley Road, Flockton, Huddersfield, WF4 4DW
Proposal: Variation of condition 2 (plans) on previous permission 2023/90171 for demolition and re-building of existing farmhouse with extensions and the erection of one dwelling (amended house type).

Site Description
The application site relates to a parcel of land located at Westfield Farm in Flockton, Huddersfield. The site is unallocated on the Kirklees Local Plan, however, a small portion of the southern part of the site is located within the designated Green Belt. The surrounding area is primarily residential and is characterised by stone built properties of a traditional style. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal
The applicant seeks consent to vary condition 2 of previous permission 2023/90171 for the demolition and re-building of existing farmhouse with extensions and the erection of one dwelling (amended house type), which was granted on 7th July 2023.

Condition 2 of permission 2023/90171 relates to the plans and details approved under the application and reads as follows:

> *"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, LP7, LP21, LP21, LP22, LP24, LP28, LP30, LP51, LP52, LP53, and LP59 of the Kirklees Local Plan, Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18, and 19 in the Council's Housebuilders Design Guide SPD, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework."*

This Section 73 application seeks to vary the approved plans for Unit 3 due to changes in materials and design. The proposed alterations are as follows:
- Alterations to the size and design of fenestration within the north, west and south facing elevations

- New first floor window installed within the east facing elevation
- Application of silicone through render to part of the eastern, western and southern elevations

Relevant Planning History

- **2024/91698:** Discharge of condition 3 (material samples), 11 (statement/declaration), 12 (drainage scheme) and 13 (storm events) on previous permission 2023/90171 for demolition and re-building of existing farmhouse with extensions and the erection of one dwelling (amended house type). Planning application details | Kirklees Council – Pending Consideration
- **2023/90171:** Demolition and re-building of existing farmhouse with extensions and the erection of one dwelling (amended house type). Planning application details | Kirklees Council – Conditional Full Permission
- **2022/93299:** Discharge conditions 10 (Phase 2 Site Investigation Report), 11 (Coal Investigation and Remediation Statement), 14 (Noise Report), 16 (Bat Survey and Statement) on previous permission 2019/92238 for demolition of existing buildings, renovation of farmhouse and erection of 4 dwellings including garages and formation of new access. Planning application details | Kirklees Council – Discharge of Condition(s) Split Decision
- **2019/92238:** Demolition of existing buildings, renovation of farmhouse and erection of 4no dwellings including garages and formation of new access. Planning application details | Kirklees Council - Conditional Full Permission

Representations

The application was publicised by neighbour notification letters, which expired on 4th June 2024. As a result of the above publicity, no representations have been received.

Consultation Responses

Not Applicable.

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, however, a small portion of the southern part of the site is located within the

designated Green Belt. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land and Buildings
- **LP 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel
- **LP 21** - Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 28** - Drainage
- **LP 30** - Biodiversity and Geodiversity
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 59** – Brownfield Sites in the Green Belt

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20 December 2023, 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 2** - Achieving Sustainable Development
- **Chapter 5** - Delivering a Sufficient Supply of Homes
- **Chapter 9** - Promoting Sustainable Transport
- **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

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021) - Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

1. Principle of Development

Section 73 of the Town and Country Planning Act 1990 allows for the variation or removal of a condition of a previous permission.

The principle of development for the re-build of the existing farmhouse with extensions and the erection of one dwelling (amended house type) was established under permission 2023/91071. As such, it is considered that the principle of the development remains established by way of this permission. This assessment will deal with the merits of the proposed variations only.

1. Impact on Visual Amenity

General design considerations are set out in Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. Policy LP24 of the Kirklees Local Plan states that 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.' The Housebuilders Design Guide SPD also sets out design principles which need to be considered for new dwellings to ensure that they are of an appropriate design and scale.

Application of Render

The proposal seeks to apply silicone through render to elements of the east, west and south facing elevations of the dwelling. Although the use of render would alter the external appearance of the property, these elements would have limited visibility from public vantage points along Barnsley Road. Furthermore, it is noted that the render forms a characteristic of the street scene. Therefore, it is considered that the alterations would not have any significant visual impact on the character and appearance of the host property and the surrounding area.

Alterations to Fenestration

The application seeks to install a new first floor window within the eastern elevation and alter the size and design of the approved fenestration within the north, west and south facing elevations. Given that the changes would maintain the traditional appearance of the wider site, they are not considered to impact on the visual amenity of the area and would be considered acceptable from a visual amenity perspective.

In view of the above, It is considered that the variation to the development proposed is acceptable from a visual amenity perspective and is in accordance with Policies LP24 of the Kirklees Local Plan and the aims 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(f) 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.

Principle 6 of the Kirklees Housebuilders Design Guide SPD also states that: "Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."

It is noted that the internal layout of Unit 3 has been reconfigured since the approved scheme. Although alterations have been proposed to the fenestration on all elevations of the dwelling, the majority of the windows would serve the same rooms and are not considered to have a greater impact on the neighbouring occupants than the originally approved.

On this basis, it is considered that the proposed development would accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 6 and 16 of the Kirklees Housebuilders Design Guide SPD.

3. 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.

Given the nature of the amendments proposed, no alterations would occur to the access and parking arrangements of the approved scheme. Therefore, the impact on highway safety is still considered acceptable and unchanged since the previously issued decision.

Given the above, Officers consider that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network. The proposal is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework, Principle 12 of the Kirklees Housebuilders Design Guide SPD and advice contained within the Kirklees Highways Design Guide SPD.

4. Other Matters

With regard to other matters that were assessed as part of the previous planning permission (coal mining legacy, contaminated land, drainage, and biodiversity), the proposal is unchanged in relation to these aspects and any conditions imposed in regard to these matters to make the development acceptable will be repeated as part of this application.

<u>Conditions Review</u>

As the application is a Section 73 application to vary conditions, it is necessary to re-impose all conditions which remain relevant.

The following conditions will be re-issued as they are considered to remain relevant:

- 3. Samples of Walling and Roofing Materials
- 4. Permitted Development Rights
- 5. Details of Boundary Treatments
- 6. Sound Attenuation Scheme
- 7. Acoustic Barrier
- 8. Parking Areas
- 9. Bin Collection Point
- 12. Detailed Design Scheme for Foul Surface Water and Land Drainage
- 13. Assessment of the Effects of 1 in 100-Year Storm Events
- 16. Landscape Plan
- 17. Electric Vehicle Charging Points

The following conditions shall be reworded:

- 1. Time (This shall reflect the date development shall begin by)
- 2. Approved plans (The plans and specification table will be amended to reflect the plans approved under this Section 73 application)
- 10. Remediation Works (This shall reflect the changes to the NPPF Paragraphs)
- 11. Signed Statement/Declaration (This shall reflect the changes to the NPPF Paragraphs)
- 14. Remediation Strategy (This shall reflect the changes to the NPPF Paragraphs)
- 15. Verification Report (This shall reflect the changes to the NPPF Paragraphs)

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

Amendments were sought during the course of the application. A request was made to change the roofing material back to natural blue slate Revised drawings were received which were considered acceptable with regard to visual amenity.

7. Conclusion

This proposal is a Section 73 Variation of Condition application to vary condition 2 (development in accordance with the approved plans). In determining a S73, the Local Planning Authority must only consider the 'disputed' condition that is the subject of the application – it is not a complete re-consideration of the application. Therefore, it is a consideration of Condition 2 only. As detailed within the report, given the acceptable design and lack of harm in terms of visual and residential amenity, the variation is considered to be 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 the relevant policies in the development plan and other material considerations. The proposal would remain in accordance with the development plan and there are no material considerations to indicate otherwise. The development would therefore constitute sustainable development and it is recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers
Application Number: 2024/91088
Officer Recommendation: Grant Variation of Condition 2
Conditions and Reasons:

1. The development hereby permitted shall be begun before 7th July 2026.
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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP51, LP52, LP53 and LP59 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through 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: In the interests of visual amenity and to avoid overdevelopment in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

5. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwellings hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwellings are first brought into use and thereafter retained.
Reason: In the interests of visual and residential amenity and to preserve the character and openness of the adjacent Green Belt land in accordance with Policies LP24 and LP59 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide SPD and Chapters 12 and 13 of the National Planning Policy Framework.

6. Before the development is brought into use, all works which form part of the sound attenuation scheme as specified in the Report of Sound Measurements and Recommendations authored by S & D Garritt Ltd dated 23 August 2022: a) shall be completed; and b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.
Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Before the development is brought into use, details of an acoustic barrier (as recommended in the Report of Sound Measurements and Recommendations authored by S & D Garritt Ltd dated 23 August 2022, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A plan showing the location of the barrier
- The minimum height of the barrier relative to the adjacent ground level
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

The use hereby approved shall not commence until the construction of the acoustic barrier has been completed and the barrier shall be retained and maintained thereafter.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework

8. Before the development is brought into use, the approved vehicle parking areas shall be 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 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of amenity and highway safety, to ensure adequate space within the site for vehicle movements and parking that is appropriately drained, in accordance with the aims of Policies LP21, LP22 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

9. Before the development is brought into use, a bin collection point shall be 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 LP21 and LP24 of the Kirklees Local Plan.

10. Development shall not commence until any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The remediation works/mitigation measures shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of remedial measures, prior to the commencement of development, is considered necessary to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

11. Before the development is brought into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason: To ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

12. Prior to construction works commencing, a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.
Reason: This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to guarantee the provision of adequate and sustainable systems of drainage in accordance with Policy LP28 of the Kirklees Local Plan.

13. Prior to construction works commencing, an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to guarantee the provision of adequate and sustainable systems of drainage in accordance with Policy LP28 of the Kirklees Local Plan.

14. Remediation of the site shall be carried out and completed in accordance with Remediation Strategy Report by Rogers Geotechnical Services Ltd dated March 2023 (Ref: C1913/23/E/5135). 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 Reports 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 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

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person 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 Verification Report in respect of those remediation measures 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

16. Before any landscaping works take place, a landscape plan (hard & soft landscaping) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the approved details before the development 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 LP24 of the Kirklees Local Plan and guidance contained within Chapters 12 and 13 of the National Planning Policy Framework.

17. Before the development is brought into use, a scheme of electric vehicle recharging points meeting at least the following minimum standard for numbers and power output shall be installed:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP21, LP24, LP51, and LP52 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD, Chapter 9 of the National Planning Policy Framework, and the West Yorkshire Low Emission Strategy (WYLES).

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.

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:

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

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: 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: 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 Table:

Plan Type	Reference	Revision	Date Received

Plan Type	Reference	Revision	Date Received
Plans and details pursuant to 2023/90171			
Location Plan	OS2	-	18/01/2023
Topographical Survey	S9164	-	18/01/2023
Existing & Proposed Site Sections	P2	A	18/01/2023
Existing Floor Plans & Elevations (Farmhouse)	S1	-	18/01/2023
Block Plan	P7	C	18/01/2023
Site Plan	P10	D	19/05/2023
Landscape Proposals	WF-01-23	-	10/03/2023
Proposed Floor Plans & Elevations (Unit 4)	P11	E	19/05/2023
Planning Statement	-	-	18/01/2023
Structural Survey Report	HD-S22-0506	-	18/01/2023
Phase I Desk Study	P18-00854	-	18/01/2023
Phase 2 Geo-Environmental Report	C1913/21/E/2940	-	18/01/2023
Gas Monitoring Letter	C1913/23/E/5097	-	05/04/2023
Phase 3 Remediation Strategy Report	C1913/23/E/5135	-	05/04/2023
Coal Investigation	C1913/21/E/3053	-	18/01/2023
Noise Report	Report of Sound Measurements and Recommendations by S&D Garritt Ltd. Dated 23rd August 2022	-	18/01/2023
Drainage Report	7993L001	-	18/01/2023
Bat Survey Report and Statement	1759a	3	21/03/2023
Bat Mitigation Measures Letter	1759-031122/TFMB	-	18/01/2023
Report of Bat Watching Brief Undertaken	1759-281122-TF/PB	-	18/01/2023
Plans and details pursuant to 2024/91088			
Unit 3 Farm House – GA Drawing	12	E	25/06/2024

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 Authority has, 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. Revised drawings were submitted by the applicant’s agent which were considered acceptable.

Report Date: 25/06/2024