

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:	2024/70/93449/E
Site Address:	Land at, Westfield Farm, Barnsley Road, Flockton, Huddersfield, WF4 4DW
Description:	Variation of condition 2 (plans) on previous permission 2019/92238 for demolition of existing buildings, renovation of farmhouse and erection of 4no dwellings including garages and formation of new access
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: 17-Jun-2026

Officer Report

Reference No. 2024/70/93449/E

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

Proposal: Variation of condition 2 (plans) on previous permission 2019/92238 for demolition of existing buildings, renovation of farmhouse and erection of 4no dwellings including garages and formation of new access

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 Proposal 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 2019/92238 for the demolition of existing buildings, renovation of farmhouse, erection of 4no dwellings including garages and formation of new access, which was granted on 9th December 2019.

Condition 2 of permission 2019/92238 relates to the plans and details approved under the application and reads as follows:

“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.”*

This Section 73 application seeks to vary the approved plans for Unit 1 and 2 due to changes in materials and design. The proposed alterations are as follows:

Unit 1

- Relocation of stone chimney to the west-facing gable end
- Removal of timber frame porch within the northern elevation
- Alterations to fenestration within the northern elevation

- Removal of link roof
- Erection of canopy to the southern elevation
- Sawn stone head, cills and mullions replaced with ashlar head, cills and mullions
- Removal of sawn stone quoins
- Erection of three-storey extension with balconies to the southern elevation
- Alterations to fenestration/openings within the southern elevation
- Replace the Bradstone old quarried artificial stone slates in Lichen Green for the roofs with natural blue slate.

Unit 2

- Erection of canopy to the southern elevation
- Installation of velux windows within the northern roof plane of the single/two storey element
- Removal of sawn stone quoins
- Erection of three-storey extension with balconies to the southern elevation
- Alterations to fenestration/openings within the southern elevation
- Raising the roof height of the single/two storey element
- Replace the Bradstone old quarried artificial stone slates in Lichen Green for the roofs with natural blue slate.
- Sawn stone head, cills and mullions replaced with ashlar head, cills and mullions

Relevant Planning History

- **2026/91519:** Variation of condition 2 (plans) on previous permission 2024/91088 for 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). [Planning application details | Kirklees Council](#) – Pending Consideration
- **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](#) – Discharge of Condition(s) Split Decision
- **2024/91088:** 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). [Planning application details | Kirklees Council](#) – Removal or Modification of Condition(s)
- **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 24th January 2025. As a result of the above publicity, three representations have been received. The comments made have been summarised below:

- Our main objection to this development are the two windows of the building directly overlooking our entire outside space.
- These 2 windows are on the second floor of the building and as mentioned they look directly into our garden and cause obvious overlooking affecting our privacy. It's very easy to see this if you are in my property or if you are stood looking out of the windows of the property being built.
- I would imagine difficult to envisage from outside both properties therefore I must ask if someone from planning can either make a visit to my property or the one being built and look through the windows.
- The previous property which was on the land was further back on the land and was much smaller and didn't overlook our property in any way. The new houses are backed up to the wall of the main road and therefore very close to ours which is why they are now overlooking us.
- The building is now on its second level with 2 windows now facing directly over our land.
- The previous plans for this development was for 4 houses. Now the changes are for 2 houses at 3 levels. This new plan means the property's will be higher than the previous house that has been demolished.
- This extra level will have a considerable impact on the view from our property and so I need to have clarification on the height of the new building in relation to old building.

Following receipt of amended plans, the application was re-advertised via neighbour notification letters, which expired on 14th March 2025. 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 December 2024, 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

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16th December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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 demolition of existing buildings, renovation of farmhouse, erection of 4no dwellings including garages and formation of new access) was established under permission 2019/92238. 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.

Alterations to Materials

The submitted plans confirm that the Bradstone old quarried artificial stone slates in Lichen Green previously approved would be substituted natural blue slate and the sawn stone head, cills and mullions would be replaced with ashlar head, cills and mullions. Although this modification would alter the external appearance of the dwellings, it is noted that the material palette would be more in keeping with the neighbouring properties and would respect the character of the street scene. Therefore, it is considered that the materials would offer a better visual finish than those previously approved.

Erection of Canopies

The proposed canopies would extend approximately 1m from the southern elevations of Units 1 and 2. Whilst it is acknowledged that front canopies are not a common feature within the street scene, it is noted that the structures would have a modest scale and would not appear overly prominent from public vantage points. Therefore, it is considered that the proposed amendment would be acceptable in terms of visual amenity.

Three-Storey Extensions

The submitted plans confirm that the three-storey extension would project approximately 1m from the southern elevation of Units 1 and 2. The extensions would be faced in coursed natural stone and would incorporate a dual-pitched roof finished in natural blue slate to match the appearance of the dwellings. The enlargements would be proportionate additions and would feature lower ridge lines such that they would appear subservient to the host property. Although the fenestration and glass balconies proposed would be of a contemporary design, due to their siting, officers do not consider the alterations to have a significant impact on the visual amenity of the area and as such, the proposed works would be considered acceptable.

Relocation of Stone Chimney

The stone chimney proposed within the east-facing gable end of Unit 1 would be relocated to the west-facing gable end as part of the application. Although the changes would alter the appearance of the property from public vantage points along Barnsley Road, the amendments are not considered to have a material impact on visual amenity.

Roof Alterations

The submitted plans confirm that roof alterations would be undertaken to provide additional accommodation at first floor level for Unit 2. Whilst it is noted that the overall height of this element would increase by approximately 1.4m, it is considered that the increased roof height would be acceptable in terms of visual amenity.

Velux Windows

The Velux windows proposed be modestly sized and would be located within the roof plane of the single/two storey element of Unit 2. Given that the windows would be of an appropriate design and scale, they are considered to respect the appearance and character of the host property and surrounding area.

Alterations to Fenestration

The application seeks to make alterations to the fenestration and openings within the northern elevation of Unit 1 and the southern elevations of Unit 1 and 2. Although a number of the windows proposed would be of a contemporary design, officers do not consider the alterations to have a significant impact on the visual amenity of the area and as such, the proposed works 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.”*

Impact on Unit 3

Unit 3 is a residential property approved to the south of the application site. The submitted plans confirm that Unit 1 would occupy a position approx. 18m from the front elevation of Unit 3. Although the separation distance would fall short of the 21m recommended within the Kirklees Housebuilders Design Guide SPD, it is taken into consideration that the approved relationship already falls short of this distance (2019/92238). Therefore, given that precedence has already been established within the street scene, the amendment is not considered to have a greater impact on the neighbouring occupants than the originally approved.

Impact on 33, 35 and 37 Barnsley Road

33, 35 and 37 Barnsley Road are residential properties located north of the application site. The submitted plans confirm that a distance of approximately 20m would be retained between Unit 2 and the neighbouring dwellings. This separation distance would remain as approved under planning application reference no. 2019/92238 and therefore, the proposed alterations are not considered to have a greater impact on the neighbouring occupants than the originally approved scheme.

Impact on 29 Barnsley Road

29 Barnsley Road is a two-storey detached property located north of the application site. It is noted that the proposed dwelling would occupy a position approximately 32m from Unit 1. Given that the separation distances retained would be substantial, it is considered that there would be no significant detrimental impact on the neighbour's residential amenity as a result of the proposed development.

Impact on Unit 4

Unit 4 is a residential property approved to the south of the application site. It is noted that Unit 1 would occupy a position approx. 16.86m from the front elevation of Unit 4. Whilst the separation distance would fall short of the 21m recommended within the Kirklees Housebuilders Design Guide SPD, it is taken into consideration that the approved relationship already falls short of this distance (2019/92238). Therefore, given that precedence has already been established within the street scene, the amendment is not considered to result in any further harm to 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 116 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. As such, the proposal would 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, 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.

Conditions Review

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 relating to the original permission will be re-issued as they are considered to remain relevant:

- 3. Samples of Walling and Roofing Materials
- 4. Landscape Plan
- 5. Details of Boundary Treatments
- 6. Permitted Development Rights
- 7. Parking Areas
- 8. Bin Collection Point
- 9. Electric Vehicle Charging Points
- 13. Validation Report
- 15. Bat Survey Report
- 16. Roosting Bats/Bat Roosts
- 17. Flood Risk and Drainage Statement

The following conditions relating to the original permission shall be reworded:

- 2. Approved plans (The plans and specification table will be amended to reflect the plans approved under this Section 73 application)
- 11. Remediation Strategy
- 12. Remediation
- 14. Noise Report

The following conditions relating to the original permission shall be removed:

- 1. Time
- 10. Phase II Intrusive Site Investigation Report (Discharged under app no. 2022/93299)

5. Representations

Three representation was received following the statutory publicity. The comments made have been summarised and addressed below:

- Our main objection to this development are the two windows of the building directly overlooking our entire outside space.

Officer Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- These 2 windows are on the second floor of the building and as mentioned they look directly into our garden and cause obvious overlooking affecting our privacy. It's very easy to see this if you are in my property or if you are stood looking out of the windows of the property being built.

Officer Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- I would imagine difficult to envisage from outside both properties therefore I must ask if someone from planning can either make a visit to my property or the one being built and look through the windows.

Officer Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- The previous property which was on the land was further back on the land and was much smaller and didn't overlook our property in any way. The new houses are backed up to the wall of the main road and therefore very close to ours which is why they are now overlooking us.

Officer Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- The building is now on its second level with 2 windows now facing directly over our land.

Officer Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- The previous plans for this development was for 4 houses. Now the changes are for 2 houses at 3 levels. This new plan means the property's will be higher than the previous house that has been demolished.

Officer Response: *The principle of development was established under permission 2019/92238. This application deals with the merits of the proposed variations only. The proposals potential impact on the appearance and character of the street scene has been assessed within the 'visual amenity' section of the report.*

- This extra level will have a considerable impact on the view from our property and so I need to have clarification on the height of the new building in relation to old building.

Officer Response: *Loss of view would not constitute a material planning consideration.*

6. Negotiations

Additional plans were submitted during the course of the application in relation to plots 3 and 4. However, these have since been omitted and no longer form part of the proposed variation.

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 application, 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: 2024/93449

Officer Recommendation: Grant Variation of Condition 2

Conditions and Reasons:

1. 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.

2. 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.

3. 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.

4. 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 LP24 of the Kirklees Local Plan and guidance contained within Chapters 12 and 13 of the National Planning Policy Framework.

5. 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.

6. 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.

7. 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.

8. 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.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved under planning application reference no. **2022/93299**, 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.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. 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 LP53 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. 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.

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 LP53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the national Planning Policy Framework.

12. The development shall be completed in accordance with the document titled 'Sound Measurements and Recommendations' (dated 23rd August 2022) and retained thereafter.

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

13. 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.

14. Any works that directly or indirectly affect roosting bats or bat roosts shall not take place in any circumstances unless the Local Planning Authority has been provided with :

- 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

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

15. 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.

NOTE: Documents in the plans and specifications schedule below reflect amendments made during the life of the application. Not all documents were (or needed to be) updated to reflect these amendments.

Plans and Specifications Table:

Plan Type	Reference	Revision	Date Received
Plans and details pursuant to 2019/92238			
Site Location Plan	OS1	-	03/07/2019
Site Survey	S9164	-	03/07/2019
Block Plan	P7	A	03/12/2019
Site Sections	P2	-	03/07/2019
Proposed Elevations and Floor Plans – Farmhouse	P3	-	03/07/2019
Proposed Elevations and Floor Plans – Units 3 and 4	P6	C	12/08/2019
Design and Access Statement	-	02	16/08/2019
Bat Lighting Constraints Plan	-	-	12/08/2019
Bat Survey Report	MEC/BAT/2017/68/3	-	12/08/2019
Flood Risk and Drainage Statement	-	-	03/07/2019
Phase I Desk Study	P18-00854	-	03/07/2019
Soakaway Test Results	-	-	09/08/2019
Plans and details pursuant to 2022/93299			
Sound Measurements and Recommendations	-	-	05/10/2022
Coal Investigation Report	C1913/21/E/3053	-	05/10/2022

Plan Type	Reference	Revision	Date Received
Phase II Geo-Environmental Report	C1913/21/E/2940	-	05/10/2022
Plans and details pursuant to 2024/93449			
Units 1 and 2 – GA Drawing	13	-	05/12/2024
Site Plan – Proposed	10	C	01/05/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

Additional plans were submitted during the course of the application in relation to plots 3 and 4. However, these have since been omitted and no longer form part of the proposed variation.

Report Dated: 12/06/2026