

**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: 2018/62/90234/W

Site Address: Land Off, Black Sike Lane, Holmfirth

Description: Erection of four camping pods, shower/changing facility block and warden accommodation

Recommending Officer: Adam Walker

DECISION – S106 Full Permission – Approve

I hereby authorise the approval of this application for the reasons set out in the agenda and decision of the Strategic Planning Committee (29/08/2019) and the officer's report annexed below in respect of the above matter.

Victor Grayson

AUTHORISED OFFICER

Date: 19-May-2021

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 29/08/2019

Application Number: 2018/90234

Officer Recommendation: DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within this report.

Committee Decision:

As per officer recommendation for delegation to officers to issue decision notice. Prior to issuing, full wording of the condition which covers the removal of the warden's accommodation (in the event the business activity at the site ceases) to be shared with committee members and ward councillors.

Update Report following committee resolution:

The committee report stated that the warden's accommodation was only acceptable on the basis of its association with the proposed recreational use of camping and fishing. As such, it was recommended that a condition be imposed requiring the removal of the warden's accommodation and shower/changing block in the event that the camping use ceases. This was in the interests of protecting the openness of the Green Belt.

The Strategic Planning Committee resolved to approve the application but requested that officers share the wording of the above condition with committee members and ward councillors prior to issuing a decision.

Following the committee meeting, officers attempted to draft a suitably worded condition to control the presence of the warden's accommodation. However, it was concluded that such a condition could not be framed in such a way as to provide the Council with an enforceable position, and thereby fully meet the tests for planning conditions. Instead, it was considered that a legal agreement was the only way to provide sufficient control.

There have been extensive negotiations on the content and wording of the legal agreement, and this has included the Council obtaining independent legal advice. A Section 106 agreement has now been completed. In summary, the legal agreement requires the applicant to submit certain evidence to the LPA on an annual basis to demonstrate the ongoing camping use. Furthermore, there is a mechanism for the LPA to have this information independently assessed if necessary, to help it determine whether the camping use is operating at a reasonably viable level to justify the continued presence of the warden's accommodation. Any independent assessment would be at the applicant's expense.

A copy of the Section 106 has been shared with committee members and ward councillors and officers have also explained the rationale behind the agreement. No issues have been raised in response. Following this, the decision can be issued.

Conditions have been agreed with the agent and a further extension of time secured until 21st May 2021.

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, as amended by the Planning and Compulsory Purchase Act 2004.

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP24 and LP56 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. Should the camping use hereby approved cease to operate as set out within the Section 106 agreement, the warden's accommodation/changing facilities and the camping pods (safari tents) shall be removed from the site and the land reinstated to its previous state.

Reason: To maintain the openness of the Green Belt and to accord with Policy LP56 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

4. The warden's accommodation shall only be occupied by someone directly connected with the provision of security for the site and the day-to-day operation of the business along with their spouse/partner and their dependents.

Reason: The warden's accommodation is only acceptable on the basis of the justification put forward by the applicant and its connection to the camping use and associated fishing activity. A dwelling that is not occupied in connection with the leisure and recreational use would constitute inappropriate development that would harm the openness of the Green Belt. This is to accord with Policy LP56 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

5. No services (electric, gas, water) shall be run to the camping pods/tents.

Reason: To ensure that the camping pods/tents are temporary in nature and can be readily removed and the land restored should the camping use cease.

The absence of services is consistent with the proposal put forward by the applicant. This is to accord with Policy LP56 of the Local Plan and guidance in the National Planning Policy Framework.

6. The warden's accommodation block and changing facilities shall be constructed on sleepers (not strip foundations) and retained as such.

Reason: To ensure that the building is temporary in nature and can be readily removed and the land restored should the camping use cease. The use of sleepers is consistent with the proposal put forward by the applicant. This is to accord with Policy LP56 of the Local Plan and guidance in the National Planning Policy Framework.

7. Details of the surfacing of the proposed track for ATV/quad access, as identified on the submitted plans, shall be submitted to and approved in writing by the Local Planning Authority before the camping pods/tents are first brought into use. The track shall be surfaced in accordance with the approved details and thereafter retained as such.

Reason: In the interests of the openness and character of the Green Belt and to accord with Policy LP56 of the Local Plan and guidance in the National Planning Policy Framework.

8. Samples of the facing materials for the warden's accommodation and changing facilities shall be submitted to and approved in writing by the Local Planning Authority before works to construct the building commence. The building shall be faced in accordance with the approved materials and thereafter retained as such.

Reason: In the interests of visual amenity and the character of the Green Belt and to accord with Policies LP24 and LP56 of the Local Plan and guidance in the National Planning Policy Framework.

9. Details of the proposed vehicle passing places on Black Sike Lane, as identified in the Highway Statement prepared by Paragon Highways (November 2017, Project 1313), shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The passing places shall be provided in accordance with the approved details before the development is first brought into use and thereafter retained.

Reason: To mitigate the highway safety impacts of the development and to accord with Policy LP21 of the Kirklees Local Plan.

10. Fishing at the site shall be limited to the occupants of the camping pods/tents and permanent residents of the site only. There shall be no day ticket fishing or guest anglers.

Reason: To limit the traffic movements associated with the site in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This is consistent with the proposal put forward by the applicant.

11. The parking area as shown on drawing number 2489 - 02B shall be provided before the camping pods/tents are first brought into use and shall thereafter be retained as such.

Reason: In the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

12. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works on site shall not recommence until either:

- (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or
- (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a 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 whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To remove any potential unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

13. Details of the proposed packaged sewage treatment plant to be installed shall be submitted to and approved in writing by the Local Planning Authority before any works to install the packaged sewage treatment plant commence. The details shall include, but not be limited to, the location of the tank, the capacity of the tank and the number of persons using the tank, as well as the means of vehicular access to allow the tank to be emptied. The tank shall be provided in accordance with the details so approved and thereafter retained as such.

Reason: In the interests of protecting the environment and to accord with Policy LP53 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

14. A flood evacuation plan detailing dry access and egress from the site in the event of on-site flooding shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved flood evacuation plan shall be implemented throughout the lifetime of the development.

Reason: To mitigate the risk from flooding because the development site is located within an area of high surface water flood risk with flood heights over 900mm and flood velocities over 0.25 m/s. This is to accord with Policy LP27 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details of evacuation are agreed at an appropriate stage of the development process.

15. An Arboricultural Method Statement, in accordance with British Standard BS 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction/development work will be undertaken with minimal damage to protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the approved Arboricultural Method Statement.

Reason: So as to protect to viability of the protected woodland within the application site and to accord with Policy LP33 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure details of works in relation to trees are agreed at an appropriate stage of the development process.

16. Details of a scheme for new tree planting within the site shall be submitted to and approved in writing by the Local Planning Authority before the warden's accommodation is first occupied. The details shall include species, size, location and phasing for the provision of the new tree planting. The trees shall be provided in accordance with the approved details and thereafter retained as such. Any tree which dies within the first five years of planting shall be replaced with a tree of the same or similar species.

Reason: To compensate for the proposed tree removal and mitigate the overall impact of the development on the protected woodland within the site and to accord with Policy LP33 of the Kirklees Local Plan.

17. The development shall be carried out in accordance with the Construction Environmental Management Plan (ref: BG18.262.4, December 2018) and the Landscape and Ecological Management Plan (ref: BG18.262.3 December 2018).

Reason: To mitigate the impact of the development on biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

18. A 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the Local Planning Authority before the warden's accommodation is first occupied. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will minimise light spill within the protected woodland. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To mitigate the impact of the development on biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2489 - LOC	-	22/01/2018

Plan Type	Reference	Version	Date Received
Site Plan as Existing	2489 - 01	-	14/02/2019
Site Plan as Proposed	2489 - 02B	-	22/07/2019
Wardens Accommodation & Amenity Block as Proposed	2489 - 03	-	14/02/2019
Proposed Camping Accommodation	2489 - 04	-	14/02/2019
Highway Statement	Paragon Highways November 2017 Project 1313	-	22/01/2018
Tree Survey	Ref 170105	-	22/01/2018
Arboricultural Impact Assessment Survey & Report	Report Reference: BG18.262.1 December 2018	-	14/02/2019
Preliminary Ecological Appraisal	Report Reference BG17.283 November 2017	-	22/01/2018
Bat Transect Surveys	Report Reference BG18.262 December 2018	-	14/02/2019
Construction Environmental Management Plan	Report Reference BG18.262.4 December 2018	-	14/02/2019
Landscape and Ecological Management Plan	Report Reference BG18.262.3 December 2018	-	14/02/2019
Planning, Design and Access Statement	Jan 2017 Job No.2489	-	22/01/2018

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The proposal was the subject of formal pre-application advice. During the planning application process additional information was provided in respect of the impact of the development on ecology and trees. Amendments were secured to the construction of the warden's accommodation/changing facilities and the position of the building repositioned to lessen the impact on protected trees.

Supporting information in the form of a business plan with a financial plan was provided.

Report Dated:

19/05/2021