



**Town and Country Planning (Development Management Procedure) (England)
Order 2015**

PLANNING PERMISSION FOR DEVELOPMENT

**NOTE: This approval should be read in conjunction with an Agreement made
under Section 106 of the Town and Country Planning Act 1990**

Application Number: 2018/62/90234/W

To: Hamish Gledhill,
Acumen Designers & Architects Ltd
Headrow House
19, Old Leeds Road
Huddersfield
HD1 1SG

For: Black Syke Springs Ltd

**In pursuance of its powers under the above-mentioned Act and Order the
KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning
Authority hereby permits:-**

ERECTION OF FOUR CAMPING PODS, SHOWER/CHANGING FACILITY
BLOCK AND WARDEN ACCOMMODATION

At: LAND OFF, BLACK SIKE LANE, HOLMFIRTH

**In accordance with the plan(s) and applications submitted to the Council on
22-Jan-2018, subject to the condition(s) specified hereunder:-**

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
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.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “*submitted to and approved in writing by the Local Planning Authority*”.
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.**
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.**
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.**

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 20-May-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

dc.admin@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Planning, Strategic Investment Service,
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR
