KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2019/62/90988/W
Site Address:	Land adj, lock 38, Marsden Lane, Marsden, Huddersfield, HD7 6AF
Description:	Use of land for provision of camping facilities, formation of camper van sites, erection of 4 camping pods, toilet block and associated works
Recommending Officer:	Neil Bearcroft

DECISION – S106 Full Permission-Approved

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.

David Wordsworth

AUTHORISED OFFICER

Date: 04-Aug-2021

Decision Authorisation – Committee Decision

Committee: Chief Executive Emergency Powers Meeting

Date of Committee: 18 May 2020

Application Number: 2020/90988

Officer Recommendation: Full Conditional Permission

Committee Decision: Full Conditional Permission Subject S106 to link occupation of the wardens accommodation to the employee responsible for the management of the site. Occupation to cease when employment does, or business ceases whichever is sooner.

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 Order 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 in the interests of the protection of the openness and character of the Green Belt and Local Ecology, and to accord with Policy LP24 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

3. Prior to works commencing on the provision of the widened access to the application site, as detailed on Dwg. No. 1640-103, details of the retaining structures and surfacing required to widen the access shall be submitted to and approved in writing by the Local Planning Authority. The widened access shall be constructed before the development is first brought into use and shall be constructed in accordance with the approved details.
Reason: In the interests of highway safety and to ensure that structures required to form the widened access are of to an acceptable standard and in the interests of visual amenity and the character and appearance of the Green Belt. To accord with the requirements of Policies LP21 and LP24 of the Kirklees Local Plan and Policies in Chapters 12 and 13 of the National Planning Policy Framework.

4. Before works commence to form the wardens cabin or the camping pods a scheme of details of finished floor levels of each cabin/pod together with corresponding finished ground levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out

only in accordance with the details so approved and no cabin/pod shall be occupied until the works relating to that cabin/pod have been completed. Such levels shall thereafter be retained.
Reason: To ensure the development is in keeping with character of the local area and to protect the openness of the Green Belt and to accord with the requirements of Policy LP24 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

5. Before the development is first brought into use, a scheme of details of all external lighting to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:

a) How and where external lighting will be installed (through the provision of a detailed site plan and appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated which areas are to be lit;
b) Detail proposals to minimise or eliminate glare from the use of the lighting installation; and
c) Detail proposed hours of operation of the lighting.

The development shall be carried out in accordance approved details which shall thereafter be maintained. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
Reason: To ensure that inappropriate artificial lighting does not have a detrimental effect on local ecology or residential amenity and to accord with Policies LP24, LP30, LP32 and LP52 of the Kirklees Local Plan and policies in Chapters 14 and 15 of the National Planning Policy Framework.

6. No development shall take place until, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed and Himalayan Balsam on site. The development shall be carried out strictly in accordance with the approved scheme.
Reason: To remove these species from within the site, as ecological enhancement, and prevent their spread into the wider environment as a result of construction activity, and to ensure the proposal accords with Policies LP24, LP30 and LP32 of the Kirklees Local Plan and policies in Chapters 12 and 15 of the National Planning Policy Framework. This is pre-commencement to ensure that a protocol can be devised to enable implementation as part of the construction program.

7. Before the development is first brought into use, an ecological design strategy (EDS) addressing mitigation and enhancement for the application site shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following.

a) Purpose and conservation objectives for the proposed ecological works.
b) Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and

hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.

c) Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
d) Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
e) Details of maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason: to ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with Policies LP24 LP30 of the Kirklees Local Plan and Policies in Chapter 15 of the National Planning Policy Framework.

8. Before the development is first brought into use, details of hedge planting along the northern boundary including proposed species, sizes, planting rates and a planting timetable for the new hedge shall be submitted to and approved in writing by the Local Planning Authority. The hedge shall be planted in accordance with the approved scheme and all planting in the approved scheme shall be carried out in the first planting season following the first occupation of the development. Any plants which within a period of 5 years are removed or are noticeably damaged or diseased, or have failed to establish or make reasonable growth, shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority give written approval of a variation of the first planting.
Reason: In the interests of the visual amenity of the site, to enhance local ecology and the character and openness of the Green Belt in accordance with Policies LP24 and LP30 of the Kirklees Local Plan and Policies in Chapter 15 of the National Planning Policy Framework.

9. Before works commence on the formation of the camper van plots and parking spaces, number 1-8 details on Dwg. No. 2018-541-03 F details of surfacing shall be submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be installed before the development is first brought into use and retained after.
Reason: In the interests of highway safety and to ensure that the surfaces are appropriately surfaced and drained and to accord with Policy LP21 of the Kirklees Local Plan.

10. Before the hereby approved development is first brought into use the wardens accommodation as detailed on Dwg. No. 2018-541-03 F and 2018-541-07 shall be provided. Thereafter the site shall only operate when the Warden's accommodation is occupied.
Reason: In the interests of the proper management of the site and to protect the amenity of local residents and reduce the potential for anti social behaviour or instances of crime to occur and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. The hereby approved development shall be carried out in accordance with the hereby approved document entitled 'management plan for Camp Marsden' dated July 2019 and received on 10th January 2020.
Reason: In the interests of the protection of residential amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Policies in Chapter 12 and LP15 of the National Policy Framework.

12. The hereby approved development shall be carried out in accordance with recommendations and requirements of Chapter 5 of the hereby approved Arboricultural Report by JCA Limited Ref: 12679-A/PH.
Reason: In the interests of the protection of trees at the site and the protection of local ecology and to accord with Policies LP30 and LP33 of the Kirklees Local Plan and Policies in Chapter 15 of the National Planning Policy Framework.

13. The hereby approved development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by Haigh Huddleston & Associates dated July 2019, Ref: E19/7480 /FRA001 and drawing 2018-541-03b revised 3/7/19 and the following mitigation measures it details:

- Finished Floor levels 300mm above site levels as per the FRA
- All Pods a minimum of 16m from the River Colne Main River and 6m from the bank top of the River Colne as per the FRA
- All camping pods to be located in the flood zone 1 areas of the site as per the FRA

These mitigation measures shall be fully implemented prior to development first being brought into use and retained thereafter.
Reason: To reduce the risk of flooding to the proposed development and future users of the cabins and pods and to accord with Policy LP27 of the Kirklees Local Plan and Policies in Chapter 14 of the National Planning Policy Framework.

14. The passing places to serve the access track to the parking area of the hereby approved development as set out on Dwg. No. 2018-541-03 F shall be provided before the hereby approved use first commences, these areas shall be surfaced and drained in accordance the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; and retained thereafter.
Reason: In the interests of the safe and free operation of the access track and to protect highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

15. The hereby approved development only permits the use of the site outline in red on the hereby approved plan entitled 'Location plan (1:1250 @ A1) and received on 25th March 2019 by campers vans which are up to a maximum of 3.5 tonnes in weight.
Reason: For the avoidance of doubt as to what is being permitted, to ensure that the development accords with the information submitted in support of the

application and in the interests of highway safety due to the nature of the access to the site and to accord with Policy LP21 of the Kirklees Local Plan.

16. The hereby approved development only permits the use of the site outline in red on the hereby approved plan entitled 'Location plan (1:1250 @ A1) and received on 25th March 2019 for overnight accommodation by 5 camper vans and 4 camping pods at any one time. There shall be no tented accommodation provided at any time.
Reason: For the avoidance of doubt as to what is being permitted, to ensure that the development accords with the information submitted in support of the application and in the interests of protection of residential amenity and highway safety and to accord with Policies LP21, LP22, LP24 and LP52 of the Kirklees Local Plan and Policies in Chapter 12 of the National Planning Policy Framework.

17.There shall be no fires lit in the site outline in red on the hereby approved plan entitled 'Location plan (1:1250 @ A1) and received on 25th March 2019 at any time.
Reason: In the interests of residential amenity and the protection of local ecology and to accord with Policies LP24, LP30 and LP52 and to accord with Chapters 12 and 15 of the National Planning Policy Framework.

18. Before the hereby approved development is first brought into use the 2 electric vehicle recharging points as indicated on Dwg. No. 2018-541-03 F shall be installed and brought into use. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging point so installed shall thereafter be retained.
Reason: in the interest of promoting sustainable transport and to accord Chapter 9 and Chapter 14 of the National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan.

NOTE: The applicant is advised to contact the Canal and River Trust Prior to work commencing to ensure that all necessary consents are obtained before work commences and that the work is carried out in accordance with the "Code of Practice for Works affecting Canal & River Trust", they can be contacted on 0113 284 5211 or 0303 040 4040.

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 work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan (1:1250 @ A1)	-	-	25/3/2019
Topographical Survey	ML 01	-	25/3/2019
Proposed Site Layout Plan	2018-541-03 F	-	17/2/2020
Details of Connection to Sewer for Toilets	-	-	15/1/2020
Swept Path of Access and Access Improvements	1640-103	-	20/1/2020
Proposed Plans Elevations of Pods, Toilet Block and Wood Store	2018-541-06	-	25/3/2019
Proposed Plans and Elevations of Reception Cabin/Live in Bungalow	2018-541-07	-	17/2/2020
Images of Camping Pods	2018-541-05	-	25/3/2020
Supporting Statement	-	-	11/5/2020
Minutes of meeting between residents and SB Homes 9/3/2020	-	-	17/3/20220
Copy of letter to planning officer and residents with regards to amendments	-	-	20/2/2020
Statement on Amendments	-	-	17/2/2020
Management plan for Camp Marsden	-	-	20/1/2020
Ecology Statement	17th December 2019	-	20/12/2020
Ecological Impact Assessment	MBE/ECO/2019/24/02	-	10/10/2019
Technical Highways Note	July 2019 Project - 1640	-	19/7/2019
Slope Stability Calculations	E18/7480/MH/PW/001	-	19/7/2019
Covering Letter to Amendments	-	-	19/7/2019

Plan Type	Reference	Version	Date Received
Flood Risk Assessment	E19/7480 /FRA001	-	19/7/2019
Tree Constraints Plan	12679-A/PH	-	15/5/2019
Arboricultural Report	12679-A/PH	-	15/5/2019
Design and Access Statement	-	-	25/3/2019
Preliminary Ecological Site Appraisal	1st February 2016 MiddEcoCon/ Doc/24/02/16	-	25/3/2019

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 case officer undertook negotiations with the applicant to secure amended plans and further information to reduce the scale of the development and ensure that the site could be appropriately managed.

Report Dated: 29/1/2021