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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/70/91126/W

To: S Mitchell
Empire House
Lewisham Road
Slaithwaite
Huddersfield
HD7 5AL

For: S Mitchell

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:-

VARIATION OF CONDITIONS 2 (PLANS AND SPECIFICATIONS), 3 (ACCESS AND RETAINING STRUCTURES), 4 (FINISHED FLOOR LEVELS), 5 (LIGHTING), 6 (INVASIVE SPECIES), 7 (ECOLOGY), 8 (HEDGE PLANTING) AND 9 (SURFACING) OF PREVIOUS PERMISSION 2019/90988 FOR USE OF LAND FOR PROVISION OF CAMPING FACILITIES, FORMATION OF CAMPER VAN SITES, ERECTION OF FOUR CAMPING PODS, TOILET BLOCK AND ASSOCIATED WORKS TO AMEND UNIT DIMENSIONS, LAYOUT AND ASSOCIATED ALTERATIONS AND TO ADDRESS MATTERS REQUING SUBMISSION OF DETAILS BY CONDITIONS 3, 4, 5, 6, 7, 8 AND 9.

At: LAND ADJ, LOCK 38, MARSDEN LANE, MARSDEN, HUDDERSFIELD, HD7 6AF

In accordance with the plan(s) and applications submitted to the Council on 26-Apr-2023 [together with those plans and application(s) submitted to the Council on 02-Apr-2019 and incorporated into planning permission ref no. 2019/62/90988/W granted on 04-Aug-2021] and subject to the condition(s) specified hereunder:-

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 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.

2. The development hereby approved shall not be brought into use until the widened access to the application site has been completed in accordance with the details set out within submitted drawing ref: C08RevA and email dated 17th July 2023.
Reason: In the interests of highway safety and to ensure that structures required to form the widened access are of 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.

3. The development shall not be brought into use until the finished floor levels of each cabin/pod together with corresponding finished ground levels have been completed in accordance with drawing C09 which shall be thereafter 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.

4. The development shall not be brought into use until external lighting has been installed in accordance with the submitted lighting plan (ref: Co7) and submitted document titled ‘External Lighting Details’. All external lighting at site shall be retained in accordance with the details approved by this condition with no other external lighting shall be installed within the site.
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.

5. The development shall be undertaken in accordance with the submitted Ecological Design Strategy (ref: MBE/ECO/2023/10/01) and shall not be brought into use until the works included in this strategy has been implemented. The works of the strategy approved by this condition shall be thereafter retained.
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.

6. In the first planting season following the first occupation of the development hedge planting throughout the site shall be completed in accordance with the details set out within submitted drawing ref: C02. Any plants which within a period of five 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.

7. The camper van plots and parking spaces shall not be brought into use until they have been surfaced in accordance with the submitted Document titled 'Porus Paving Details' dated April 2023 and drawing ref: C02 which shall be retained thereafter.
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.

8. Before the hereby approved development is first brought into use the warden's accommodation as detailed on drawing ref: C01 RevA and C03 shall be provided. Thereafter the site shall only operate when the warden's accommodation is occupied by person(s) associated in the operation of the site.
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.

9. 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 submitted as part of application 2019/90988 which was approved on 4th August 2021.
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.

10. 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 submitted as part of application 2019/90988 which was approved on 4th August 2021.
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.

11. 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 ref: 2018-541-03b revised 3rd July 2019, submitted as part of application 2019/90988 which was approved on 4th August 2021, 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; and
- 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.

12. The passing places to serve the access track to the parking area of the hereby approved development as set out on drawing ref: C01RevA 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.

13. The hereby approved development only permits the use of the site outlined in red on the hereby approved plan entitled 'Location plan (1:1250 @ A1) and received on 25th March 2019, submitted as part of application 2019/90988 which was approved on 4th August 2021, by camper 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.

14. The hereby approved development only permits the use of the site outlined in red on the hereby approved plan entitled 'Location plan (1:1250 @ A1) and received on 25th March 2019, submitted as part of application 2019/90988 which was approved on 4th August 2021, for overnight accommodation by up to five camper vans and four 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.

15. There shall be no fires lit in the site outlined in red on the hereby approved plan entitled 'Location plan (1:1250 @ A1) and received on 25th March 2019, submitted as part of application 2019/90988 which was approved on 4th August 2021, 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.

16. Before the hereby approved development is first brought into use the two electric vehicle recharging points as indicated on drawing ref: C01RevA 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 and 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**
Section drawing	C08RevA		5th June 2023
Proposed Amended Layout	C01RevA		24th April 2023
Email dated 17th July			17th July 2023
Email dated 31st July 2023			31st July 2023
Application Form			24th April 2023
Landscape Plan'	C02		24th April 2023
Location Plan	C10		24th April 2023
Floor Levels	C09		24th April 2023
External Lighting plan	C07		24th April 2023
WC / Shower Block	C06		24th April 2023
Family Cabins Units 3, 4 & 5	C05		24th April 2023
Single Cabin unit 2	C04		24th April 2023
Wardens Cabin unit 1	C03		24th April 2023
Ecological Design Strategy	MBE/ECO/2023/10/01		24th April 2023
Document titled 'Porus Paving Details'			24th April 2023
Document titled 'Removal of Himalyan Balsam			24th April 2023
Document titled 'External Lighting Details'			24th April 2023
Supporting Statement			24th April 2023
Plan Type received as part of application 2019/90988	**Reference**	**Version**	**Date Received**
Location Plan (1:1250 @ A1)	-	-	25th March 2019
Topographical Survey	ML 01	-	25th March 2019
Details of Connection to Sewer for Toilets	-	-	15th January 2020
Supporting Statement	-	-	11th May 2020
Minutes of meeting between residents and SB Homes 9/3/2020	-	-	17th March 2020
Copy of letter to planning officer and residents with regards to amendments	-	-	20th February 2020

Plan Type	Reference	Version	Date Received
Management plan for Camp Marsden	-	-	20th January 2020
Ecology Statement	17th December 2019	-	20th December 2020
Ecological Impact Assessment	MBE/ECO/2019/24/02	-	10th October 2019
Technical Highways Note	July 2019 Project - 1640	-	19th July 2019
Slope Stability Calculations	E18/7480/MH/PW/001	-	19th July 2019
Flood Risk Assessment	E19/7480 /FRA001	-	19th July 2019
Tree Constraints Plan	12679-A/PH	-	15th May 2019
Arboricultural Report	12679-A/PH	-	15th May 2019
Design and Access Statement	-	-	25th March 2019
Preliminary Ecological Site Appraisal	1st February 2016 MiddEcoCon/ Doc/24/02/16	-	25th March 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 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. Further detail was sought and provided in relation to the access / retaining structures of the site and artificial lighting.

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.

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 refuse permission for the proposed development or 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from 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/appeal-planning-decision. 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: 14-Aug-2023

Signed:

David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/70/91126/W .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL