

**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:	2024/70/90875/W
Site Address:	Land Off, Manchester Road, Marsden, Huddersfield, HD7
Description:	Variation of condition 2 (plans and specifications) on previous permission 2020/91820 for change of use and refurbishment of existing buildings to form outdoor learning facility with classrooms (Class F.1(a)) and ancillary overnight accommodation
Recommending Officer:	Katie Chew

DECISION – VARIATION OF CONDITIONS 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.

John Holmes

AUTHORISED OFFICER

Date: 21-Jun-2024

Officer Report

Site Description:

Land Off, Manchester Road, Marsden, Huddersfield, HD7 6NJ

The application site consists of two modern agricultural buildings with a level surfaced area along their frontages and surrounding them. The southern building is the larger of the two. Each is portal frame constructed; most elevations are walled with a dwarf masonry wall with cladding above, although each building does have partially open elevations. Two shipping containers are sited to the front of the buildings.

The buildings are set within the south-west corner of a larger open field. A private unnamed road runs along the site's south and west boundaries, which the site is accessed from. The private road links Manchester Road (to the south of the site) to Waters Road (to the north). The site is close to the valley floor, with the River Colne bordering the field's north boundary. Mature trees surround the site and the larger field surrounding it, with many benefiting from Tree Preservation Orders.

The site is Green Belt land, within the rural environment. There is open land in all directions around the site, with sporadic, isolated residential properties in the wider landscape. The site is 150m away from the Close Gate Bridge Scheduled Ancient Monument and the South Pennine Moors Special Protection Area.

The application site is not located within a Conservation Area however, towards the access of the site are two Grade II Listed Buildings.

Description of Proposal:

The application seeks consent for the variation condition 2 (plans and specifications) on previous permission 2020/91820 for change of use and refurbishment of existing buildings to form outdoor learning facility with classrooms (Class F.1(a)) and ancillary overnight accommodation.

Condition 2 of application 2020/91820 states the following:

'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 highway safety and the openness of the Green Belt and to accord with Policies LP21, LP24 and LP60 of the Kirklees Local Plan and Chapters 9, 12 and 13 of the National Planning Policy Framework'.*

The proposed alterations include some minor changes to the window and door arrangements which include:

Building 1:

- Smaller window to be provided to the left of the building on the western elevation.
- Existing barn doors to be replaced with a roller shutter door fitted within the existing opening, on the western elevation.
- Enlarged windows to classroom (to align with masonry plinth) on southern elevation.
- Extraction ventilation systems to be erected on the southern elevation.
- Window cills are dropped (to align with masonry plinth) on the eastern and northern elevations.
- Existing stable door is to be omitted from eastern elevation.

Building 2:

- Window cills dropped (to align with masonry plinth) on the southern and northern elevations.

In addition to the above, details have been submitted in relation to the proposed materials to be used within the external walls and roof of the buildings, these are to include a Marshall Artificial Stone Dwarf Wall which is to run along the bottom half of the buildings at a height of approximately 0.97m with a concrete slab above, with the rest of the building comprising of brown stained vertical timber cladding.

History of negotiations/amendments received

No amendments have been sought.

Relevant Planning History

2024/90019 – Discharge conditions 3 (protection of stone posts), 4 (Construction Management Plan), 5 (Biodiversity and Enhancement Management Plan) on previous permission 2020/91820 for change of use and refurbishment of existing buildings to form outdoor learning facility with classrooms (Class F.1(a)) and ancillary overnight accommodation. Split Decision 15th February 2024.

2020/91820 – Change of use and refurbishment of existing buildings to form outdoor learning facility with classrooms (Class F.1(a)) and ancillary overnight accommodation. Approved 5th July 2021.

2006/90797 – Erection of agricultural workers dwelling. Refused 28th April 2006.

2003/92164 – Agricultural notification for the prior approval of details for erection of agricultural storage barn. Details approved 17th June 2003.

Pre-application Advice

2023/21180 – Conversion of Two Existing Porta Frame Style Buildings to Form an Outdoor Education Facility with Overnight Accommodation.

2017/20420 - Pre application for change of use of buildings and land for a camping and caravanning site. Comments made 10th January 2018.

Representations

Final publicity date expires:

Neighbour Letters – Expired 21st May 2024.

Site Notice – Expired 10th May 2024.

Press Notice – Expired 25th May 2024.

3 representations have been received in objection; comments are summarised below.

- The visibility at the junction of Manchester Road falls short of the visibility requirements for a 60mph road, causing concerns in respect of highway safety.
- The approved planning application dates back to 2020, the environment has changed in the following 4 years including increased traffic which will impact the safety of this site.
- The private road is not wide enough for vehicles to pass each other.

Officer note: Noted. However, as the principle of this development was approved under application 2020/91820, and that this variation of condition application seeks to vary the external materials on the building and window and door arrangements, Officers cannot re-assess highway safety or impacts on the environment within this Officer report.

- Where will the water supply come from due to neighbours already using the springs and borehole.

Officer note: Noted. Given the nature of this application whereby the principle of development was approved under application 2020/91820, and that this variation of condition application seeks to vary the external materials on the buildings and the window and door arrangements, an assessment of where the water supply will come from is not considered reasonable or necessary on this occasion.

- Light pollution will affect wildlife and nesting.

Officer note: Noted. However, as this application is for a simple variation of condition in respect of materials and the window and door arrangements within the buildings, it is not considered that the proposals would result in any additional light pollution over and above that which was previously approved under application 2020/91820 and therefore it is considered it would be unreasonable of the LPA to re visit this matter as part of the assessment of this proposal.

- The original plan was to retain existing walls and roofs, now the application seeks to completely rebuild the two buildings which goes against the original application.
- The proposed artificial Marshall's stone wall would look an eyesore in such a beautiful area in the foothills of the Marsden Moor.
- This application seeks to materially alter the original one submitted so far that is now turning an agricultural site into what would look like a commercial warehouse.
- The existing barn doors are to be removed and replaced with a commercial roller shutter door which would be more likely to be found within a commercial industrial estate.

Officer note: Noted. These are discussed in more detail within the visual amenity and heritage assets section of this report.

- The existing roof line is now being made higher and is less in keeping with the local area.

Officer note: Noted. However, from measuring and comparing the previously approved elevation plans with the elevation plans submitted within this application there appears to be no changes in the height of the buildings.

- Concerns in regard to noise, disturbance and pollution.

Officer note: Noted. However, as the principle of this development was approved under application 2020/91820, and that this variation of condition application seeks to vary the external materials on the buildings and the window and door arrangements, it is not considered that the proposals would result in any additional noise, disturbance or pollution over and above that which was previously approved, and therefore it is considered it would be unreasonable of the LPA to re visit this matter as part of the assessment of this proposal.

Officer note: The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to there being Grade II Listed and curtilage Listed buildings adjacent to the access to the site.

Consultation Responses

KC Historic England – Comments received 17th April 2024. No advice has been offered, Historic England suggest that the views of the Council's specialist conservation and archaeological advisors.

KC Conservation & Design – No comments received within statutory timescales.

Notwithstanding this, it is considered the LPA is still able to progress the application to determination in this case.

KC Environmental Health (Informal) – Comments received 13th June 2024. No objections given the large separation distances from sensitive noise receptors. It is not considered that the provision of the proposed extraction unit would raise no significant concerns in respect of noise or odour pollution.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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 application site is located within the Green Belt, Strategic Green Infrastructure Network, and Bat Alert Area. It is also important to note that there are protected trees along the northern and southern boundaries of the site, and whilst the access road does not host a Public Right of Way, the Council are in receipt of an application for a Definitive Map Modification Order (DMMO) for the formation of a bridleway along the whole length from Manchester Road to Waters Road. Furthermore, adjacent to the initial access into the site are Grade II listed and curtilage listed buildings.

Kirklees Local Plan (LP):

- LP1 – Presumption in Favour of Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP21 – Highway Safety and Access
- LP22 - Parking

- LP24 - Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 - Trees
- LP34 – Conserving and Enhancing the Water Environment
- LP35 – Historic Environment
- LP47 – Healthy, Active and Safe Lifestyles
- LP49 – Educational and Health Care Needs
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP60 – The Re-use and Conversion of Buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th December 2023, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Other Guidance Documents:

- Kirklees Highways Design Guide SPD (2019)
- Biodiversity Net Gain Technical Advice Note
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

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 an outdoor learning facility with classrooms (Class F.1(a)) and ancillary overnight accommodation was established at the site under permission 2020/91820. As such, it is considered that the principle of

development remains established by the way of the previous application. The assessment will therefore deal with the merits of the proposed variations only.

2- Impact on Visual Amenity & Heritage Assets

The application seeks to vary condition 2 relating to the approved plans and specifications. Alterations include changes to the previously approved window and door arrangements, erection of an extraction ventilation systems on building 1 and alterations to the originally approved external materials of the buildings.

Whilst it is acknowledged that within previously approved application 2020/91820 elevation plans showed that the existing external finishes were to be cleaned and retained throughout the buildings, the applicant's agent has confirmed that the existing materials are of poor quality and therefore the proposed materials offer a better finish and comply with the statement made within the committee report that the use of stone and timber would be supported, as is proposed under this application. As no changes are proposed in relation to the overall scale or massing of the buildings, with only minor changes proposed to the overall design and materials, which do accord with the types of materials originally recommended by Officers within the previous committee report, it is considered that the proposals would still be in accordance with LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework, as assessed under the previously approved application 2020/91820.

Whilst it is acknowledged that towards the entrance of the site White Lea Barn Farm and White Lee Farm are Grade II Listed and curtilage Listed buildings. However, the proposals seek to make alterations to the previously approved window and door arrangements, materials and include the erection of an extraction ventilation system to building 1, these changes are not considered to significantly detract from the setting and significance of these Listed Buildings given their nature, and large separation distance. The proposals are therefore considered to have a similar impact/relationship with these heritage assets as the previously approved structures under application 2020/91820.

It is therefore considered that the proposals would still be in accordance with Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3- 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.”

In addition, Paragraph 135 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.

Given the nature of the amendments proposed within this variation of condition application, and the somewhat isolated location of the buildings, which provides large separation distances from neighbouring residential properties (148+ metres away), Officers have no concerns in respect of the proposed changes to windows and door arrangements within the building, and as the structures are not to change in location, scale or size, it is not considered that there would be any concerns in respect of overlooking, overshadowing, or the proposals appearing overbearing in nature.

In terms of noise and odour pollution, it is acknowledged that this application seeks to include the erection of an extraction ventilation system on building 1 to the kitchen. Following discussions with the Council's Environmental Health team it was concluded that given the large separations distances from sensitive receptors, there are no concerns in regard to noise and odour pollution on this occasion, and no further details are required to be submitted.

Given the above, it is considered that the proposal complies with Local Plan Policies LP24 and LP52 and Chapters 12 and 15 of the National Planning Policy Framework.

4- Other Matters

With regards to other matters that were assessed as part of the previous planning permission – Green Belt, trees, drainage, climate change, crime mitigation, air quality, ecology, highways, 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 application form states that the development has not yet commenced on site and therefore condition 1 is still relevant. Whilst the plans have been updated within the plans table to reflect the amendments applied for, the wording of condition 2 will remain unchanged. It is also noted that Conditions 3, 4 & 5 of previously approved application 2020/91820 were successfully discharged under application 2024/90019 and therefore these conditions have been updated to reflect this discharge of condition application. All other conditions/informatives remain as previously approved albeit updated where necessary with revised plan reference numbers.

4 - Conclusion

The proposal is a Section 73 Variation of Condition application vary condition 2 (plans). This amendment is required to accommodate minor changes to a previously approved scheme, to allow for modifications to the originally

approved window and door arrangements and external materials to be used within the walling and roofing of the buildings to be converted. As set out above, in determining a S73, 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. As such, it is a consideration of condition 2 only. As detailed within the report, given the minor modifications sought by this proposal, which is reflected in the plan numbers associated with condition 2, the minor 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 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.

Conditions and Reasons:

1. The development hereby permitted shall be begun prior to the 5th July 2024.
Reason: Pursuant to the requirements of Section 51 of 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, in the interests of highway safety and the openness of the Green Belt and to accord with Policies LP21, LP24 and LP60 of the Kirklees Local Plan and Chapters 9, 12 and 13 of the National Planning Policy Framework.
3. Development shall be carried out strictly in accordance with Drawing no. 2619_ACU (300) 01 Topo Survey & Stone Post Protection Details, by Acumen Designers & Architects, dated 31st July 2023, received 5th January 2024, approved under application 2024/90019, granted 15th February 2024 (to satisfy/discharge condition no. 3 (Protection of Stone Posts) imposed on previous permission 2020/91820 granted 5th July 2021. The approved strategy shall be implemented before the construction phase commences, be maintained throughout the construction phase, and unless agreed in writing by the Local Planning Authority, all existing stone posts within the site shall be retained in

perpetuity in the precise locations observed on the 14th July 2020 and shall not be removed, relocated or altered.

Reason: To ensure these non-designated heritage assets within the site which contribute positively to the historic interest of the Colne Valley are retained and comply with Policies LP24 and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

4. Development shall be carried out strictly in accordance with the Construction Management Plan prepared by Acumen Designers and Architects, dated 24th July 2023, received 5th January 2024, and the Site Management Plan, drawing no. A(90)XX-01 Rev P2, received 15th February 2024, approved under application 2024/90019, granted 15th February 2024 (to satisfy/discharge condition no. 4 (Construction Management Plan) imposed on previous permission 2020/91820 granted 5th July 2021. Unless otherwise approved in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: Due to the restrictive nature of the site, so as to ensure adequate arrangements are approved which allow heavy vehicles to safely access the site, in the interest of the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan.

5. Development shall be carried out strictly in accordance with the Biodiversity and Enhancement Plan, approved under application reference 2024/90019 granted 15th February 2024 (to satisfy/discharge condition no. 5 (Biodiversity and Enhancement Management Plan) imposed on previous permission 2020/91820 granted 5th July 2021.

Reason: To ensure that the description and evaluation of features to be managed is undertaken before the construction phase and to ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Prior to the hereby approved development being brought into use, details of secure cycle parking for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall then be implemented in accordance with the approved details before the development is occupied and therefore retained.

Reason: To ensure no undue impact upon the openness and character of the Green Belt, to support the use of sustainable means of transport and to comply with the aims and objectives of Policies LP20 and LP60 of the Kirklees Local Plan and Chapters 9 and 13 of the National Planning Policy Framework.

7. Prior to the installation of doors, windows and/or other fenestration details, details of the proposed 'window concealment shutter system' shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include details of the time and circumstances when the shutter system will be utilised. The development shall be completed in accordance with the approved details, which shall be retained thereafter.

Reason: In the interest of visual amenity and so as to preserve the character of the Green Belt, to comply with the aims and objectives of Policies LP24 and LP60 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

8. Prior to the installation of external lighting, a "lighting design strategy for biodiversity", with due regard for site security and preserving the openness of the Green Belt from light pollution, shall be submitted to and approved in writing by the local planning authority. The strategy shall:

identify those areas/features on site that are particularly sensitive for bats, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

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 not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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. Under no circumstances shall any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure an appropriate balance between mitigating ecological harm, preserving the openness of the Green Belt and site security, to comply with the aims of Policies LP24, LP30, LP52 and LP60 of the Kirklees Local Plan and Chapters 12, 13 and 15 of the National planning Policy Framework.

9. Notwithstanding the requirements of Condition 2, the external materials of construction used for Buildings 1 and 2 hereby approved, shall comprise of brown stained vertical timber cladding with a dark grey barge board feature, and a Marshall artificial stone dwarf wall with concrete slab above. The development shall be completed using the approved materials, prior to the approved buildings being brought into use.

Reason: In the interests of the visual amenity, to preserve the openness of the Green Belt and to accord with Policies LP24 and LP60

of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

10. Prior to the hereby approved development being brought into use, the areas to be used as parking spaces shown on plan ref. '2619 – 03 Rev. A' shall be: cleared of obstruction and made ready for use. The arrangements hereby approved do not include marking out bays. Thereafter the areas to be used for parking shall be retained for that use without obstruction.

Reason: To ensure the adequate provision of on-site parking, without introducing an unduly urbanising feature into the Green Belt, to comply with Policies LP21 and LP60 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

11. Prior to the hereby approved development being brought into use, in accordance with section 5.2 of the approved Ecological Appraisal, a scheme for the installation of 6no. bat boxes on trees within the site, type Schwegler 2FN or similar, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved bat boxes shall be installed prior to the development being brought into use and shall be retained thereafter.

Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. Prior to the hereby approved development being brought into use, a scheme detailing the provision of electric vehicle charging points (EVCP) within the site and the timeframe for their installation shall be submitted to, and approved in writing by, the Local Planning Authority. The details submitted shall seek to minimise the visual prominence of the EVCPs. The EVCPs shall be installed in accordance with the details and timeframe so approved and subsequently be retained permanently thereafter.

Reason: To preserve the openness of the Green Belt and in the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24, LP51 and LP60 of the Kirklees Local Plan and Chapters 9, 13 and 15 of the National Planning Policy Framework.

13. Prior to the hereby approved development being brought into use, details of screening to the waste storage area, as shown on plan ref. '2619-03 Rev. A', shall be submitted to, and approved in writing by, the Local Planning Authority. The screening shall be timber and have a height of between 1.2 and 1.4m. The approved screening shall be installed prior to the development being brought into use and shall be retained thereafter.

Reason: In the interest of visual amenity and to prevent undue impacts upon the openness of the Green Belt, in accordance with Policies LP24 and LP60 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

14. All ecological measures and/or works shall be carried out in accordance with the details cited as recommendations in Section 5 of the Ecological Appraisal (BE-792.4a) dated 26th March 2020, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Ecological features implemented shall be maintained as such hereafter.
Reason: To avoid significant ecological impacts as set out in the recommendations of the Ecological Appraisal in accordance with Kirklees Local Plan Policy LP30 and Section 15 of the National Planning Policy Framework.
15. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement and Tree Protection Plan, reference (David Watts Associates report ref. BE 7-92-03-C). These shall be implemented and maintained throughout the construction phase and retained thereafter as advised within the report.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.
16. Notwithstanding the submitted plans and information regarding tree work, any work required to protected trees shall seek separate permission through submission of a tree work application to the Local Planning Authority.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Kirklees Local Plan Policy LP33.
17. The development to convert the existing buildings shall be carried out in complete accordance with the Report on Structure by Healey Consulting, dated October 2020, and the elevation designs as shown on plan ref. '2619 04 rev. C'.
Reason: To ensure that the development proceeds in accordance with the submitted scheme which seeks the re-use of buildings which are of permanent and substantial construction as the development would otherwise constitute inappropriate development within the Green Belt contrary to Policy LP60 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.
18. Adequate support shall be provided at all times to the wall and roof structures of the buildings whilst the building works are being carried out to prevent their total or partial collapse.
Reason: To ensure the permission to re-use the buildings is not rendered inoperable by the collapse / demolition / removal of the buildings and to accord with Policy LP60 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.
19. The premises shall be used as an education centre (Class F1(a)) only, and for no other purpose (including any other purpose in Class F1 of

the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of preserving the openness of the Green Belt and highway safety, as a different form of use falling within Class F1, such as a museums or place of worship, could result in an undue level of traffic movement and disturbance upon the Green Belt setting and highway network, so as to accord with Policies LP21 and LP60 of the Kirklees Local Plan and Chapters 9 and 13 of the National Planning Policy Framework.

20. The education centre hereby permitted shall be attended / occupied by a maximum of 32 children at any one time only, children being defined for the purposes of this permission as persons who are enrolled in Primary or Secondary Education and not older than sixteen years of age, with a maximum of eight chaperones.

Reason: To ensure the development hereby approved is in accordance with the assessment undertaken of the supporting reports and information in the interest of preserving openness and minimising activity within the Green Belt, in the interest of highway safety through minimising traffic movements and in the interest of the amenity of neighbouring residents, to comply with the aims of Policies LP21, LP24, LP52 and LP60 of the Kirklees Local Plan and Chapters 9, 12, 13 and 15 of the Kirklees Local Plan.

21. The canteen and kitchen, as shown on plan ref. '2619-04 Rev C & 2619-05 Rev B', shall operate as ancillary facilities for the benefit of those attending the site for education purposes only, pursuant to the requirements of conditions 19 and 20. The canteen and kitchen shall not be open for service to members of the public or passing trade.

Reason: To ensure the development hereby approved is in accordance with the assessment undertaken of the supporting reports and information in the interest of preserving openness and minimising activity within the Green Belt, in the interest of highway safety through minimising traffic movements and in the interest of the amenity of neighbouring residents, to comply with the aims of Policies LP21, LP24, LP52 and LP60 of the Kirklees Local Plan and Chapters 9, 12, 13 and 15 of the Kirklees Local Plan.

22. Prior to the hereby approved development being brought into use, the metal containers observed on the 18th April 2024 and as shown on previously approved plan ref. '01', shall be removed from the site.

Reason: In the interest of preserving the openness and character of the Green Belt, in accordance with Policy LP60 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works,

including the right to pass and repass over the access to the site from Manchester Road, as construction and maintenance may involve access to land outside your ownership.

Note: There is a potential significant risk to health from drinking water that is not wholesome. Regulation 13 (2) of The Private Water Supplies (England) Regulations 2016 (as amended) states that “a private water supply must not be brought into use or used until the local authority is satisfied that the supply does not constitute a potential danger to human health”. Failure to comply with this is likely to result in formal action being taken which on conviction is liable to a fine and/or imprisonment up to 2 years.

Note: Electric Vehicle Charging Points

A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof.

At non-residential developments, the requirement for one electric vehicle charging point for every 10 parking spaces may initially be reduced to one charging point for every 20 parking spaces with the remainder provided at an agreed trigger point.

For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.

The installation must comply with all applicable electrical requirements in force at the time of installation.

Note: The land within the application red line boundary carries a route subject of an application claiming the existence of public rights of way. Under the Wildlife & Countryside Act 1981, the definitive map modification order (“DMMO”) application seeks the recording of a public bridleway on the definitive map and statement of public rights of way, by order. The grant of planning consent or development further to planning consent would not affect the recording of any public rights of way that may subsist, and interference or obstruction of the way in question would be at the risk of the operator. For further information, the Council’s public rights of way unit may be contacted by telephone on 01484 221000 and ask for Sharon Huddleston. The Public Rights of Way email address is publicrightsofway@kirklees.gov.uk. DMMO application reference: 263.

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
<i>As approved under application 2024/90875</i>			
Building Plans & Elevations as Proposed when in use	04	C	26 th March 2024
Building Plans & Elevations as Proposed when not in use	05	B	26 th March 2024
<i>As approved under application 2024/90019</i>			
Topo Survey & Stone Post Protection Details	(300) 01	-	5 th January 2024
Site Management Plan	A(90) XX-01	P2	15 th February 2024
Biodiversity and Enhancement Management Plan – Supporting Information	BE-792-05	A	5 th January 2024
Construction Management Plan – Supporting Information	-	-	5 th January 2024
<i>As approved under application 2020/91820</i>			
Location Plan	LOC	-	16 th June 2020
Site Plan as Existing	01	-	17 th June 2020
Site Plan as Proposed	03	A	21 st January 2021
Drainage Layout	EWE/2457/01	A	17 th June 2020
Biodiversity Biometric Calculations – Supporting	-	A	19 th March 2021

Information			
Planning Statement – Supporting Information	-	-	19 th January 2021
Habitat Regulations Assessment – Supplementary Ornithological Study – Supporting Information	BE-792.5	B	19 th January 2021
Surface Water Onsite Runoff Statement – Supporting Information	2019/2457 (001d)	-	21 st January 2021
Arboricultural Impact Assessment & Method Statement – Supporting Information	BE-792-03	C	19 th January 2021
Paragon Highways – Technical Note – Supporting Information	1660A	2	19 th January 2021
Report on Structure – Supporting Information	20531	-	19 th January 2021
Water Feasibility Study – Supporting Information	-	-	19 th January 2021
Outdoor Learning Presentation – Supporting Information	-	-	19 th January 2021
Ecological Appraisal – Supporting Information	BE-792.4	A	17 th June 2020
Landscape and Visual Impact Appraisal –	SF 2832 LAND OFF MANCHESTER ROAD, MARSDEN	Issue 2	17 th June 2020

Supporting Information			
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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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought on this occasion as the proposals were considered to be acceptable upon submission.

Report Dated:

19th June 2024.