

HOLME PLANNING Partnership

Development Control
Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL

7th October 2024

Dear Sir/Madam,

Re: Discharge of Planning Conditions – Consent Reference 2024/62/90421/W

I write in relation to the aforementioned consent issued by Kirklees Council on 6th September 2024 for the erection of a single storey ancillary store/office accommodation/tool shed/toilet/kitchen facilities/tasting room at Helme Edge Vineyard, Helme Edge Farm, Crosland Edge.

It is noted from a review of the decision notice that there are a number of conditions that require formal discharge in advance of the approved building being brought into use. We summarise the conditions on the planning consent as follows:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

We note that no discharge is required on this condition, but are aware of the need for works to commence on site within three years. We can confirm that works on the implementation of the visibility splays at the site frontage have already been commenced, and can therefore confirm that works have begun within the requisite period.

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, to preserve the openness of the Green Belt and to accord with Policies LP1, LP2, LP3, LP10, LP21, LP22, LP24, LP26, LP30 & LP52 of the Kirklees Local Plan and policies contained within Chapters 2, 4, 6, 9, 12, 13, 14, and 15 of the National Planning Policy Framework.

The provisions of condition 2 are noted and will be complied with, but we note that no formal discharge is required.

3. The premises, shall not be open for business including deliveries to or dispatches from the premises, outside the hours of 10:00 and 18:00 hrs Monday to Saturday. No activities shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

The provisions of condition 2 are noted and will be complied with, but no formal discharge is required at this time.

4. Prior to the development being brought into use, the visibility splay sightlines indicated on drawing No 1001D shall be cleared of all obstructions to visibility exceeding 0.6 m in height and these shall be thereafter retained free of any such obstruction throughout the lifetime of the development.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and policies within Chapter 9 of the National Planning Policy Framework.

The provisions of condition 4 are noted and will be complied with, with works to secure the delivery of the approved visibility splays already underway. The condition is not however understood to require formal discharge.

5. The development shall not be brought into use until a Car Park Management Plan/Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Car Park Management Plan shall include details of: i. Methods of limiting the parking demand so that the provided spaces within the proposed car park are not exceeded, including information provided at the time of booking and a booking system for parking within the site. ii. Method(s) of informing resident of events taking place where high volumes of guests are expected. iii. Information for guests on travel options. iv. Proposed mitigation in the event that parking demand exceeds parking capacity. v. Mechanism for review of the Car Park Management Plan. The development shall thereafter be operated in accordance with the approved Car Park Management Plan for the lifetime of the development.

Reason: To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity and to accord with Policy LP21 of the Kirklees Local Plan and policies within Chapter 9 of the National Planning Policy Framework.

The provisions of condition 5 are noted and a Car Park Management Plan has been prepared by the Applicant and is attached to this correspondence. We trust that the document as submitted meets the requirements of the local authority, and that condition 5 can now be discharged in full.

6. The building hereby approved shall be used ancillary to Helme Edge Farm, 31 Crosland Edge, HD9 5RS in association with the adjacent vineyard.

Reason: In the interests of visual and residential amenity, and to preserve the openness of the Green Belt, as a different use falling outside of the approved store/office accommodation/tool shed/toilet/kitchen facilities/tasting room in association with the wine tasting business (Sui Generis) in such a rural area could result in an undue disturbance to the

elements outlined above, and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12, 13 and 15 of the National Planning Policy Framework.

The requirements of condition 6 are noted and will be complied with, but we again note that no formal discharge of condition 6 is required.

7. The development shall not be brought into use until an Operational Parking Scheme has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented. The use shall thereafter be undertaken and operated in accordance with the approved scheme.

Reason: To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity and to accord with Policy LP21 of the Kirklees Local Plan and policy within Chapter 9 of the National Planning Policy Framework.

It is noted from a review of the officer's report and highways comments on the now approved application, that the Operational Parking Scheme submitted with the application was satisfactory, and that in effect to secure the discharge of condition 7 the document simply needed to be updated to reflect the now as approved parking provision. On that basis the attached document has been updated and we consider that the attached Operational Parking Scheme is now sufficient to secure the complete discharge of condition 7.

8. The building hereby approved shall be constructed from the materials of construction set out in the submitted application form and demonstrated upon submitted drawing ref: 23_811 100 and retained thereafter.

Reason: In the interests of visual amenity and the Green Belt to accord with policy LP24 of the Kirklees Local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

The provisions of condition 8 are noted and will be complied with in the construction of the approved building. It is however noted that no formal discharge of condition 8 is needed.

We therefore trust that the above and attached addresses the requirements of the various Conditions attached to the original approval that require discharge in advance of works and the commencement of use on site. However, should the council require any additional details or amendments either in advance of validation of this discharge of condition application, or during the determination process, please do not hesitate to contact us. Otherwise, we look forward to hearing from you shortly with the details of the officer appointed to deal with the discharge of condition application, and hopefully their written confirmation that the provisions of conditions 5 and 7 of consent reference 2024/62/90421/W can be discharged in full, and the approved use can commence.

Yours sincerely

Rebecca Booth
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Managing Director