

**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: 2017/62/92986/W

Site Address: land at, Deer Hill End Road, Meltham, Holmfirth, HD9
5PS

Description: Erection of agricultural worker's dwelling

Recommending Officer: Farzana Tabasum

DECISION – conditional full permission

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 04-May-2018

Site Description

The application site covers what appears to be part of the yard area serving the existing large agricultural building north of the application site. The site is fairly remote, rural and open to extensive views in this prominent location. The site is served by Deer Hill End Road which runs parallel to the application southern boundary which also carries a public bridleway no. MEL 68/40.

Description of Proposal

Permission is sought for the erection of a permanent agricultural workers dwelling in association with an existing agricultural enterprise. The submitted information/plans indicate the dwelling to be two storey in height (7m to the ridge) with an overall width of 13m and 6m deep, not including the porch to the front (north elevation). The dwelling proposed is shown to have three bedrooms at first floor level and attached single garage to the side.

It is proposed to externally face the dwelling with stone (sandstone) and stone roof slates. 1.6m high dry stone walls are indicated along the application south and east boundaries. (these are existing)

The dwelling is proposed to be served by a septic tank (no details provided). The red line location plan accompanying the application includes a blue line which indicates other land in the ownership of the applicant.

History of negotiations/amendments received

6th October 2017 – details on bin storage. On-going discussions with officers
October 2017 – request to applicant for further information from Independent Assessor

Request and agreement to extension of time

November 2017- request for further financial information by Independent assessor

March 2018 – plan and statement of how bin storage area will be managed

Relevant Planning History

2006/94642 - agricultural notification for the prior approval for erection of an agricultural building – withdrawn

2004/92988 - renewal of unimplemented permission for nine hole golf course with ancillary parking & access including change of use of agricultural barn to associated club house – granted august 2004

2003/93309- erection of agricultural shed for livestock housing and storage of fodder – granted September 2003

Representations

Final publicity date expired. Two representations are received. A summary of their concerns is set out below:

- the access is private. It is a popular public bridleway.
- No information provided in relation to the impact on the public bridleway
- No mention that it is in Green Belt
- Track should remain unmade as described

Parish/Town Council comments – That the Council objects to the application on the grounds that the land is green belt and that there is a supply of housing close to the agricultural land in question.

These issues are considered in the assessment below

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C DM Highways – concerns over the provision for collection of waste, given the distance from the public highway and the narrow nature of Deer Hill End Road (carry distance for bins will be over the recommended distance of 30m)

K.C. Public rights of Way (PROW) – intensification of the public right of way is not supported

K.C Environmental Health – no objections subject to conditions

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is green belt on the UDP Proposals Map and also on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

BE1 – Design principles
BE2 – Quality of design
BE11- materials
R13 –Affecting PROWS
T10 – Highway safety

Kirklees Publication Draft Local Plan (PDLP):

PLP 21 – highway safety and access
PLP 24 – design
PLP23 - Core Walking and cycling network (safeguarding of the network)
PLP51 – protection and improvement of air quality
PLP 53 – contaminated and unstable land
PLP55 – agricultural and forestry workers dwellings
PLP58 – garden extensions in the green belt

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 3- Supporting a prosperous rural economy
Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 9 - Protecting Green Belt Land
Chapter 11 -Conserving and enhancing the natural environment

Assessment

General principle & impact on the Green Belt:

The construction of new buildings in the Green Belt is inappropriate and is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraphs 87-89 of the NPPF). Paragraph 89 provides a list of exceptions to this but none of these include the erection of new dwellings. Paragraph 55 of the NPPF does however state that exception to the presumption against isolated dwellings in the countryside may be considered if there are 'special circumstances'. This includes the essential need for a rural worker to live permanently at or near their work of place in the countryside. This will be taken into account in considering whether any 'very special circumstances' exist.

Subject to there being a clear functional need, for a full time worker on the farm, evidence that the existing farm has been established, operating for over three years and is currently financially sound with clear prospect of remaining so, the principle of a permanent agricultural workers dwelling could be supported.

Given the lack of in-house expertise on proposals for agricultural workers dwellings, within the Council, advice was sought externally from an Independent Agricultural Surveyor, to assess the essential need for a permanent agricultural workers dwelling on this site. Confidential information was obtained during the course of the application, to allow a thorough assessment to be made, as the proposals seeks permission for a permanent dwelling for an agricultural worker.

The Council's Surveyor met with the applicant and inspected the site, carrying out a visit to associated land in use with this enterprise. The independent surveyor also sought further information and clarity on a number of issues from the applicant, during the assessment of the proposals. On the basis of the information submitted the Council's Independent Agricultural Surveyor has considered whether there is an essential need for a rural worker to live permanently on this site and sets out the case below:

"In view of the detailed information provided with the Application I do not propose to dwell on the background details.

I have found it a complex application and I will endeavour to identify the key aspects, as I see them :-

- 1. I understand that the family have lived and farmed in the area for many generations. It is therefore a long established local business.*
- 1. The Holding extends to approximately 3,435 acres, with approximately 332 acres owned and 3,100 acres tenanted. It is therefore a substantial enterprise, and I consider them to be a genuine farming family.*
- 2. The land comprises approximately 9 "land blocks" plus isolated outlying fields. These are spread over 6 – 7 miles with travel times of approximately 10 – 20 minutes.*
- 3. The overall holding supports significant livestock numbers – 1,800 breeding ewes, 3,200 lambs annually, 50 suckler cows and 50 to 100 calves/fattening cattle. And there are ambitions to increase numbers.*
- 4. From the financial information provided, I am satisfied that the business has an established financial basis and operates profitably.*
- 5. From the Agricultural Appraisal provided, I note the labour requirement calculations indicating that Deer Hill End Farm is capable of being*

considered a full time unit, and that the overall land holdings are calculated to equate to over 4 full time workers.

- 6. Because of the nature of the land, I am advised that the majority of the sheep are removed from the Moor over the winter and ajisted on other farms (taken to graze on farms on lower, less exposed land). The applicant advised me that he has established relationships with farms spreading across Yorkshire but because of the sheep numbers and "spread" of the farms, this involves him in travelling several days a week to manage the sheep. On the one hand, this reduces the livestock management burden "at home", but it means that he is regularly not on hand to deal with urgent requirements.*
- 7. On the basis of the scale and type of the Holding, and the regime imposed by the nature of the Holding, I am sympathetic to the need for 2 on-site workers.*
- 8. The overall business already has the benefit of the Applicant and his father living on the Holding. But his father is now over retirement age and both of them live next door to each other at Lane Farm. There is therefore the prospect that father will retire and, with the land areas spread over a significant distance, the applicant feels that himself and a replacement worker both living at the southern end poses difficulties. Were the residential accommodation at either end of the overall holding, as proposed, it would assist day to day and overnight cover and, if either were to travel to work with the other, they could easily check livestock en-route.*
- 9. In considering Deer Hill End Road, the Applicant is mindful of the modern buildings and convenient yard area. These form a natural location for livestock and storage at the Northern end of the overall Holding, and are on owned land. A dwelling would complement this by facilitating the necessary on site care, management and security. (Without an on-site dwelling the Applicant has concerns about the security of the site and welfare/safety of livestock). (The "Deer Hill" land is also some of the better land on the overall Holding and would be well suited to more livestock, lambing, rearing of calves etc).*
- 10. I note the comments on suitable alternative accommodation and generally concur, though it might have been helpful to have been provided with details of a selection of the closest housing to demonstrate the costs and distances involved.*
- 11. The mixture of tenure (some land owned and some tenanted), the imbalance in the area of land owned and land tenanted, and the number of land blocks, causes concern for future permanence and stability. But I note that the Applicant has a degree of security and have sympathy with his view that even if some of the tenancies are terminated, there is reasonable likelihood that alternative land will be made available providing they have the buildings infrastructure to*

manage it – which they have with the owned holdings at Lane Farm to the South, and Deer Hill to the North.

12. *I am advised that the proposed dwelling is needed to attract a suitably qualified worker. The applicant advises that without accommodation, he does not feel he can secure an appropriate worker, and I can sympathise with this.*
13. *Where there is support for an on-site dwelling, the Planning Authority would commonly approve a temporary dwelling for the first 3 years to demonstrate the need. In this case, things are rather unusual as the business is “up and running” and the dwelling is not intended for the Applicant or existing employee, but is need to attract a prospective worker – who may not materialise ?. There is therefore a conundrum – construct a permanent dwelling and then not attract a suitable worker, and become superfluous; or construct a temporary dwelling which can be removed, but which may be an obstacle to attracting a suitable worker.*

I have liaised with the Applicant and his Agent on this point and :-

- a. they have cited evidence in the Farming press and from an Agricultural recruitment company which indicates that the majority of livestock jobs advertised include accommodation to attract the appropriate calibre of staff,*
- b. given the exposed nature of the site, inclement weather, and likelihood of the staff member having a family, they do not consider a temporary dwelling would be attractive or appropriate,*

In summary:-

- this is evidently a long established local agricultural business, operated profitably by a genuine farming family. The Holding is spread over 6 – 7 miles with travel times of approximately 10 – 20 minutes, and with significant livestock numbers. It is therefore deserving of support and I am sympathetic to the need for 2 on-site workers, and the proposed additional dwelling,*
- residential accommodation at either end of the overall holding, as proposed, will assist day to day and overnight cover, and aid general management, security and the welfare/safety of livestock,*
- whilst initial temporary accommodation is often considered, this is generally where new businesses or enterprises are involved. In this case, this is a long established business endeavouring to manage evolving circumstances and I feel that a reasonable case for a permanent dwelling has been made”.*

The dwelling would be sited in close proximity to the agricultural buildings and will assist day to day and overnight cover, and aid general management, security and the welfare/safety of livestock. In consideration of all of the above, I am of the opinion the identified need for workers to be on site, based on the functional and essential requirements of the enterprise as assessed by an independent assessor on behalf of the Council, would constitute very special circumstances which would outweigh the harm by reason of inappropriateness and accord with paragraph 55 of the NPPF and Policy PLP 55 of the PDLP.

There now follows an assessment of other harm on the openness and character of the green belt, through various elements of the new built form and the normal domestic paraphernalia and activities associated with the domestic use of the site.

Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; it later goes on to state that the essential characteristics of Green Belts are their openness and permanence.

The dwelling is shown to be set back into the site 15m from the edge of the access road (Deer Hill End Road). The front of the dwelling would be facing the yard and existing agricultural building to the north, with the rear facing towards the access road and bridleway towards the south. The main entrance would be served by a small porch with a parking area beyond.

Due to the surrounding land levels, given the open rural setting of this site the proposed two storey in the siting proposed, adjacent to the road and bridleway would be fairly prominent. The scale and prominence of it within the surrounding landscape would be mitigated somewhat by the existing large agricultural buildings to the north and consequently the impact on the Green Belt can be argued to be reduced. However, to maintain an open character, it is considered necessary to withdraw permitted development rights for any additional buildings or extensions within the red line boundary which defines the residential curtilage for the proposed dwelling, so as to avoid undesirable new structures prejudicing the openness of the Green Belt. A dry stone wall exists along the southern and eastern boundaries to be retained. A condition, restricting the residential area within the application red line and retention of the existing boundary treatment is considered necessary to preserve the openness of the green belt and to avoid further encroachment into the green belt. This would also safeguard the bridleway and convenience of those using it. Subject to the above details of materials (stone) to be approved the proposed agricultural workers dwelling is considered acceptable in the siting shown from a visual amenity perspective and would accord with aims of policies BE1, BE2 and BE11 of the UDP the aims chapters 7 and 9 of the NPPF and Policy PLP 58 of the PDLP.

Impact on residential amenity:

The nearest neighbouring properties lies a distance over 100m, south from the proposed siting. It is considered the amenities of this property would not be affected by the proposed dwelling.

With regard to the amenity of future occupants of the premises from noise and odours associated with a farming enterprise being within such close proximity, in this instance, the proposal is for the erection of an agricultural workers dwelling which would be associated with the existing agricultural buildings currently on site. As such, it is not anticipated that there would be any concerns raised by the future occupants from either noise or odours being generated from the farming enterprise. The proposal is considered to accord with policy EP4 of the UDP as well as the aims of chapter 11 of the NPPF. To ensure this remains the case, as well as in the interests of the Green Belt and the reasoning to allow the principle of a dwelling in the first place, it is necessary to control the future occupancy of the proposed dwelling to someone mainly working in agriculture or in forestry which would also adhere to the very special circumstances set out above.

Impact on highway safety:

The development would be accessed via the existing access lane from Deer Hill End Road. With regards to parking provision for domestic vehicles these would be accommodated in the attached garage and proposed parking area between the proposed dwelling and existing agricultural building. Since the dwelling would be associated with the existing farming enterprise, it is not anticipated that there would be any significant intensification of use of this existing access road. On the basis of the above, the proposals are not considered to materially add to any highway safety implications and would accord with the aims of Policy T10 of the Unitary Development Plan and PLP 21 of the PDLP.

Turning to the management and storage of waste bins, to accommodate the proposed agricultural workers dwelling, Highways DM Officer raises concerns regarding the provision for collection of waste given the distance from the public highway and the narrow nature of Deer Hill End Road. Highway Officers advice is that the maximum dragging distance for a bin is recommended 30m, with collection generally being taken within 8m of a refuse vehicle.

Subsequently the agent provided an additional plan which shows the siting of bins proposed to be positioned within the corner of the field, at the cross junction with Deer Hill End Road and Blackmoorfoot Road. This area is set back from the edge of the public highway and as such would not interfere with visibility sight lines. As the land is in the control/ownership of the applicant shown within the blue line on the location plan, it can be conditioned to be provided before occupation of the dwelling. This would address the concerns raised by DM Highways Officers.

Other matters:

As noted above PROW officers raise concerns and do not support intensification of the public bridleway.

However, in assessing the impact on the users of the public right of way, given the access road already serves vehicular traffic in association with the established farm, it is considered the proposals for an additional dwelling to be occupied by someone in association and working on this farm is unlikely to result in a material intensification of traffic that would inconvenience the users of the Bridleway, to warrant a refusal and accord with Policy R13 of the UDP and Policy PLP 23 of the PDLP

Air Quality:

Along with reduction of air pollution, the NPPF also encourages the promotion of sustainable transport. The West Yorkshire Low Emission Strategy Planning Guidance has been drafted to take a holistic approach to Air Quality and Planning. In this particular instance taking into account the NPPF and the WYESPG it is considered that promoting green sustainable transport could be achieved on this site by the provision of an electric vehicle charging point within the garage which can be conditioned to secure the charging points for the proposal to comply with the aims of Chapters 4 and 11 of the NPPF as well as Policy PLP24 of the PDLP.

Contamination:

Environmental Health Officers advise the site is on land recorded as potentially contaminated on the Council's records due to past use as a quarry, which has been infilled at some point due to current ground level.

To ensure that any contamination is dealt with appropriately and to protect the future occupants of the development from risk of contamination Environmental Service officers have recommended a suite of conditions. These will be imposed on the decision notice to accord with Policy G6 of the UDP, emerging Policy PLP53 of the PDLP and Chapter 11 of the NPPF.

Foul water drainage:

The application form states foul sewage is to be disposed of by a septic tank. No details are provided and none have been requested by Environmental Officers.

The NPPF requires Local Planning Authorities to take account of climate change over the longer term, including factors such as flood risk and water supply. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure. However, given there is no significant flood risk issues for this development it is considered that for a development of this scale drainage matters can be adequately dealt with through an allied Building Regulations regime.

The installation of a septic tank is likely to cause a negligible impact on the openness of the green belt as these are generally installed and underground.

Conclusion

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. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation – approve

Decision Authorisation - Delegated Powers

Application Number: 17/92986

Officer Recommendation: C.F.P

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to 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, and to accord with Policies BE1, BE2, BE1 and T10 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

3. Before the superstructure of the hereby approved dwelling commences details of external facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed using the approved facing materials.

Reason: In the interests of visual amenity and to ensure the materials used do not detract from the character and visual amenity of the surrounding area and to accord with Policies BE1(ii), BE2(i) and BE11(i) of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 7 of the National Planning Policy Framework.

4. Notwithstanding the submitted plans the existing dry stone walls along the application east and southern boundaries shall be retained at all times. The domestic curtilage for the dwelling house hereby approved, shall be limited to the area outlined in red on the location and the approved site block plan, excluding the access along Deer Hill End Road.

Reason: In the interests of protecting the openness, character and visual amenity of the Green Belt and to accord with Chapter 9 of the National

Planning Policy Framework and Policy PLP58 of the Publication Draft Local Plan.

5. The occupation of the dwelling shall be limited to a person/s solely or mainly working, or last working in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry or a dependant of such a person residing with him/her or a widow/widower of such a person.

Reason: The site of the dwelling is within Green Belt and it is only permitted to meet the specific needs of agriculture/forestry in association with the existing established enterprise at Deer Hill End Farm. This in order to protect the openness of the Green Belt from inappropriate development, which includes the erection of dwellings not required for agricultural purposes and where no other very special circumstances have been demonstrated. In addition the dwelling is close to agricultural buildings and the independent occupation could lead to a poor level of amenity due to the farming operations undertaken nearby. Furthermore this would accord with the National Planning Policy Framework as well as Policy PLP55 of the Publication Draft Local Plan

6. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A to E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written approval of the Local Planning Authority.

Reason: In the interests of preserving the openness and character of the Green Belt and to accord with policy guidance in the National Planning Policy Framework as well as Policy PLP58 of the Publication Draft Local Plan.

7. Before the hereby approved dwelling is occupied, the bin storage area shown on the additional plan received on 21st March 2018 shall be provided. Thereafter the management of bins shall be carried out in accordance with the details provided with the plan showing the bin storage area.

Reason: In the interests of amenity and highway safety and to accord with Kirklees Unitary Development Plan Policy T10 and Policy PLP21 of the Kirklees Publication Draft Local Plan

8. An electric vehicle recharging point shall be installed within the dedicated parking area or garage of the approved dwelling before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To provide satisfactory air quality mitigation in accordance with the West Yorkshire Low Emission Strategy Planning Guidance and to accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework and Policy PLP24 of the Publication Draft Local Plan.

9. Before development commences a scheme for the protection of the public bridleway and the public using the public bridleway during the period of construction, and the making good of any damage caused to the bridleway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the details so approved.

Reason: This is a pre-commencement condition in the interests of ensuring safe access and use of the public bridleway for all those using it and maintenance/repair following any damage which may arise through the implementation of the approved proposals, in accordance with Policy R13 of the Kirklees Unitary Development Plan and Policy PLP23 of the Kirklees Publication Draft Local Plan.

10. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework as well as Policy PLP53 of the Publication Draft Local Plan. This is a pre-commencement condition so as to ensure ground investigation are undertaken to assess the suitability of the existing soils for garden areas for the proposals and in the interest of the safe occupation of the site given the previous land use.

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (no. 10) development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework as well as Policy PLP53 of the Publication Draft Local Plan. This is a pre-commencement condition so as to ensure ground investigation are undertaken to assess the suitability of the existing soils for garden areas for the proposals and in the interest of the safe occupation of the site given the previous land use.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no. 11 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site. This is a pre-commencement condition so as to ensure ground investigation are undertaken to assess the suitability of

the existing soils for garden areas for the proposals and in the interest of the safe occupation of the site given the previous land use, in accordance with Policy G6 of the Kirklees Unitary Development, guidance in the National Planning Policy Framework and Policy PLP53 of the Kirklees Publication Draft Local Plan

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 12. In the event that Remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development, guidance in the National Planning Policy Framework and Policy PLP53 of the Kirklees Publication Draft Local Plan

NOTE:

Public bridleway number MEL/68/40 shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

NOTE:

Meltham public bridleway MEL/68/40 is a public highway and consent from the local highway authority should be sought prior to any works to the bridleway. No authority is given by planning consent for surfacing works or for the erection of gates or other structures on/in the bridleway. If a temporary traffic regulation order is sought to implement any consent or otherwise

require the temporary closure of the bridleway due to the development, this would be by separate process at separate cost.

NOTE:

In respect of the scheme required by condition 9 this may include details of signing, guarding, loading/unloading areas, operational practices, route surveys, ongoing repair and maintenance.

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan (with red and blue line)			1st September 2017
Proposed site /block layout			1st September 2017
Proposed bin storage plan			21st March 2018
Proposed floor plans			1st September 2017
Proposed side elevations			1st September 2017
Proposed front and rear elevation			1st September 2017
Planning statement			1st September 2017
Supporting statement			1st September 2017
Design & Access statement			1st September 2017
Agent email outlining bin management details	Email		21st March 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 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 sought additional information and plans to ensure adequate waste storage areas are provided to serve the development and the users of the public right of way are not unduly inconvenienced. The case officer sought independent advice to assess the justification for an agricultural workers dwelling. The decision is based on this information and agreement of the agent to the conditions set out above.

Report Dated: 03/05/18