Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/94329/W

To: David Allman
2, Riverside Gardens
Nether Poppleton
York
YO26 6JZ

For: NAZIR MUSA, C J STERN OIL LTD

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:-

ERECTION OF SERVICE STATION, VEHICLE REPAIR BAYS, HOT FOOD TAKE-AWAY AND STORAGE UNITS AND DEMOLITION OF EXISTING BUILDINGS.

At: SCAR LANE FILLING STATION, SCAR LANE, MILNSBRIDGE, HUDDERSFIELD, HD3 4QA

In accordance with the plan(s) and applications submitted to the Council on 31-Jan-2017, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 D2, BE1 and BE2 of the Unitary Development Plan.

3. Before work on the exterior of the shop or take-away building commence, full details of the proposed feature panels and roofing materials, including finish colours, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented using the approved facing and roofing materials.
Reason: In the interests of visual amenity and to accord with the aims of Policies BE1 and BE2 of the Unitary Development Plan.

4. All external walling indicated as rendered on the drawing of the elevations as proposed shall be given a rendered finish before the building is first brought into use and thereafter retained as such.
Reason: In the interests of visual amenity and to accord with the aims of Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

5. 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 unacceptable risks to human health and the environment and to accord with the aims of the National Planning Policy Framework – Conserving and enhancing the natural environment. This is required as a pre-commencement condition to ensure that groundworks and demolition of the existing building do not release pollutants into the natural environment.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (5), 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 unacceptable risks to human health and the environment and to accord with the aims of the National Planning Policy Framework – Conserving and enhancing the natural environment.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (6), 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 identify and remove unacceptable risks to human health and the environment and to accord with the aims of the National Planning Policy Framework – Conserving and enhancing the natural environment.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). 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. 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.
Reason: To identify and remove unacceptable risks to human health and the environment and to accord with the aims of the National Planning Policy Framework – Conserving and enhancing the natural environment.

9. 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. No part of the development 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 to accord with the aims of the National Planning Policy Framework – Conserving and enhancing the natural environment.

10. Development shall not commence on the erection of the superstructure of the development hereby approved until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such approved drainage scheme has been provided on the site to serve the development and it shall thereafter be retained.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Policy BE1(iv) and the National Planning Policy Framework – Meeting the challenge of climate change, flooding and coastal change.

11. The A5 use (hot food takeaway) hereby permitted shall not begin until details of the installation and/or erection of any extract ventilation system, including details of the methods of treatments of emissions and filters to remove odours and control noise emissions have been submitted and approved in writing by the Local Planning Authority and the works specified in the approved scheme have been installed. Such works shall thereafter be retained, operated at all times when the takeaway is in use and maintained in accordance with the manufacturer's instructions unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development does not give rise to loss of amenity to residential properties in the vicinity of the site arising from odours or from noise disturbance at unsocial hours, and to accord with the aims of Policies EP4 and D2 of the Kirklees Unitary Development Plan and the National Planning Policy Framework – Conserving and enhancing the natural environment.

12. The development shall not be brought into use until a Delivery and Servicing Plan to serve the development has been submitted and approved in writing by the Local Planning Authority. The Plan shall include details of signing and details regarding how fuel and other deliveries will occur in a safe and efficient manner without detriment to either the internal site layout or to the local highway network within the immediate vicinity of the site along with supervision and marshalling of the car park areas at fuel delivery times. All works approved as part of the Delivery and Servicing Plan shall be implemented before the development is first brought into use and thereafter retained, and deliveries shall not be undertaken other than in accordance with the approved Delivery and Servicing Plan.
Reason: In the interests of highway safety and to achieve a satisfactory layout, and to accord with the aims of Policy T10 of the Kirklees Unitary Development Plan.

13. The development shall not be brought into use until all areas indicated to be used for the parking of vehicles on the submitted/listed plan(s) have been marked out, and laid out with a hardened and drained surface. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) thereafter.
Reason: To ensure adequate space within the site for vehicle movements and parking in the interests of highway safety and in accordance with Kirklees Unitary Development Plan Policy T10.

14. The A1 use (shop) hereby permitted shall not be open to customers outside the hours of 0700 to 2300 Monday to Saturday and 0800 to 2300 Sundays.
Reason: To ensure that the development does not give rise to loss of amenity to residential properties in the vicinity of the site arising from noise disturbance at unsocial hours, and to accord with the aims of Policies EP4 and D2 of the Kirklees Unitary Development Plan.

15. The A5 use (hot food takeaway) hereby permitted shall not be open to customers outside the hours of 0800 to 2300 Monday to Sundays.
Reason: To ensure that the development does not give rise to loss of amenity to residential properties in the vicinity of the site arising from noise disturbance at unsocial hours, and to accord with the aims of Policies EP4 and D2 of the Kirklees Unitary Development Plan.

16. The B1 use (vehicle repair garage) hereby permitted shall not be open to customers outside the hours of 0730 to 1900 Monday to Saturday, no workings on Sundays or Bank Holidays.
Reason: To ensure that the development does not give rise to loss of amenity to residential properties in the vicinity of the site arising from noise disturbance at unsocial hours, and to accord with the aims of Policies EP4 and D2 of the Kirklees Unitary Development Plan.

17. No deliveries to or dispatches from the premises *shall* take place outside the hours of 0730 and 1900 Monday to Friday and 0800 to 1300 Saturdays. No deliveries shall take place on Sundays or Bank Holidays.
Reason: To ensure that the development does not give rise to loss of amenity to residential properties in the vicinity of the site arising from noise disturbance at unsocial hours, and to accord with the aims of Policies EP4 and D2 of the Kirklees Unitary Development Plan.

18. The jet wash and car vacuum facilities hereby approved shall not be used except between 0800 and 2000 Mon-Fri, 0800 to 1800 Sat, and 1000 to 1800 Sun.
Reason: To ensure that the development does not give rise to loss of amenity to residential properties in the vicinity of the site arising from noise disturbance at unsocial hours, and to accord with the aims of Policies EP4 and D2 of the Kirklees Unitary Development Plan.

19. The new A1 shop shall not be brought into use until details have been submitted to and approved in writing by the Local Planning Authority setting out how the following crime and safety concerns will be addressed:

i. Provision for staff safety / robbery prevention
ii. Making off without payment
iii. Burglary outside of business hours / provision of intruder alarm system
iv. Security specification of doors, windows, and shutters, including the provision of laminated glazing
v. Lighting of forecourt and accessible external areas
vi. CCTV coverage.

All of the approved measures shall be implemented or installed before the shop is brought into use and thereafter retained and operated in accordance with the approved details.
Reason: So as to ensure that the premises have an adequate level of protection against crime and disorder and to accord with the aims of the National Planning Policy Framework – Promoting healthy communities and to accord with Policy BE23 of the Unitary Development Plan.

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:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00 hours 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
Proposed location plan			03-Jan-2017
Proposed block plan			03-Jan-2017
Existing ground floor plan		E	18-Apr-2017
Existing lower ground floor plan			18-Apr-2017
Existing elevations			03-Jan-2017
Proposed elevations		E	16-May-2017

Plan Type	Reference	Version	Date Received
Proposed ground floor plan		E	18-Apr-2017
Proposed lower ground floor plan		F	16-May-2017
Sequential test			11-Apr-2017
Design & access statement			12-Apr-2017

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 undertook negotiations with the applicant to secure additional plans (a section), evidence that the proposal would meet the sequential test as set out in paragraph 24 of the National Planning Policy Framework, and amended plans to clarify the position of the jet wash.

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 Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".

- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.

- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.

- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.

- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

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 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 relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:

  i) 28 days of the date of service of the enforcement notice, or
  ii) within the specified period, starting on 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/planning-inspectorate . 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: 28-Jun-2017

Signed:

Naz Parkar
Strategic Director Economy and Infrastructure

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 planning applications and decisions' and by searching for application number 2016/62/94329/W .

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@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: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR