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

PLANNING PERMISSION FOR DEVELOPMENT

NOTE: This approval should be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990

Application Number: 2018/62/90074/W

To: Richard Irving,
I D Planning
9 York Place
Leeds
LS1 2DS

For: Rybrook Cars Limited And Stirling Scotfield (Huddersfield) LLP

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 MOTOR VEHICLE DEALERSHIP COMPRISING CAR SHOWROOMS, WORKSHOPS AND MOT, ANCILLARY OFFICES, CAR PARKING AND DISPLAY, NEW VEHICULAR ACCESS AND EGRESS TO A643 AND LANDSCAPING

At: LAND OFF, LINDLEY MOOR ROAD, HUDDERSFIELD, HD3 3TD

In accordance with the plan(s) and applications submitted to the Council on 04-Jan-2018, subject to the condition(s) specified hereunder:-

1. The development shall be begun not later than the expiration of three years beginning from the date on which permission is granted.
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 approved plans and specifications except as may be required by other conditions which shall always 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.

3. Prior to development commencing samples of the proposed roofing and walling materials shall be submitted for the written approval of the Local Planning Authority. The development shall be implemented using the agreed materials.
Reason: In the interests of visual amenity and to accord with Policies BE1and BE2 of the Kirklees Unitary Development Plan.

4. Details of the boundary treatments shall be submitted for the approval of the Local Planning Authority. The agreed boundary treatments shall be implemented and complete prior to the first occupation of the development hereby permitted and shall be maintained thereafter
Reason: In the interest of visual amenity, and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

5. Within 3 months of the date of this permission a detailed landscape scheme shall be submitted for the written approval of the Local Planning Authority. The agreed landscaping shall be implemented during first planting season following the completion of the approved buildings. The approved scheme shall be maintained for a period of 5 years from the completion of the planting works. Any specimens that die within this period shall be replaced.
Reason: In the interests of visual amenity and to accord with the Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

6. Development shall not commence until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of:

- Vehicle access to and from the construction site;
- Proposed routes of access and egress for construction vehicles between main radial routes and the site,
- details of controls to restrict vehicles to approved routes of access and egress;
- measures to keep the public highway free of mud and debris; and
- on-site parking layout to accommodate the peak demand for construction worker parking.

The approved plan shall then be complied with throughout the period of construction work.
Reason: To ensure the safe operation of the surrounding road network in the interests of highway safety and in accordance with Kirklees Unitary Development Plan Policy T10.

7. No part of the development shall be brought into use until the Travel Plan Coordinator for Unit 2 Plot A has been appointed to implement the Travel Plan in accordance with the Travel Plan dated 15th December 2017 as submitted with the application.
Reason: To comply with the Council's sustainability objectives set out in Kirklees Unitary Development Plan Policy T1 and the National Planning Policy Framework Part 4, "Promoting Sustainable Transport".

8. Development shall not commence until a scheme detailing the following highways works, including the relevant Stage 1, 2 or/and 3 Road Safety Audits (ref: CIHT guidelines on Road Safety Audit (2008)) has been submitted to and approved in writing by the Local Planning Authority:

- Formation of a priority site access junction with Lindley Moor Road in accordance with the principles set out in 2014/91316 and application drawing M1112 – A -111 ref F dated September 2017;

The development shall not commence until schemes for the above have been approved and shall not be occupied until all the works are complete in accordance with the approved scheme. These works shall thereafter be retained for the lifetime of the development.
Reason: In the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan

9. The development shall not be brought into use until all areas indicated to be used for access, parking and turning on the submitted plans have been marked out, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 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) for the lifetime of the development.
Reason: In the interests of amenity and traffic safety. To ensure adequate space within the site for vehicle movements and parking and in accordance with Kirklees Unitary Development Plan Policy T10.

10. Before the development is first occupied details of a scheme for electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved before the dwellings are first occupied, or in accordance with a programme agreed by the local planning authority. The approved scheme shall be permanently retained thereafter.
Reason: To accord with the guidance contained in part 4 of the National Planning Policy Framework part 4 "Promoting sustainable transport".

11. Notwithstanding the submitted details a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme.
The scheme should include the following information:-

- The proposed design level of maintained average horizontal illuminance for the site.
- The predicted vertical illuminance that will be caused by lighting when measured at
- windows of any properties in the vicinity.
- The proposals to minimise or eliminate glare from the use of the lighting installation
- The proposed hours of operation of the lighting

To reduce problems of glare from floodlights and security lights, such lighting should be installed and maintained in accordance with the " Guidance Notes for the Reduction of Light Pollution" produced by the Institution of Lighting Engineers (telephone 01788 576492).
The approved details shall be completed prior to the approved development first coming into use.
Reason: In the interests of visual amenity**,** and to accord with the guidance contained within part 8 of the National Planning Policy Framework "Promoting healthy communities".

12. A detailed scheme identifying security and crime prevention measures across the site, shall be submitted for the written approval of the Local Planning Authority. The agreed scheme shall be implemented prior to the approved development being brought into use.
Reason: To accord with Policy BE23 of the Kirklees Unitary Development Plan, and the guidance contained in part 8 of the National Planning Policy Framework "Promoting healthy communities".

13. The drainage scheme for this site shall be implemented in accordance with the submitted drainage strategy, and the agreed details in the Discharge of Conditions approval 2016/93390, except as agreed otherwise in consultation with the Local Planning Authority.
Reason. In the interests of the satisfactory drainage of the site, and to accord with the guidance contained in part 10 pf the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
All plans prefaced with M1112-A			
Location Plan	001	D	28/3/18
Existing site plan	100	E	28/3/18
Proposed site plan	110	J	28/3/18
Parking allocation	111	G	28/3/18
Ground floor	201	H	28/3/18
First floor	202	H	28/3/18
Ground floor workshop setting	206	E	28/3/18
First floor fire strategy plan	214	F	28/3/18
Space allocations	250	D	28/3/18
Ground floor workshop finishes	302	F	28/3/18
First flor showroom finishes	303	F	28/3/18
Ground floor furniture layout	304	D	28/3/18
First floor furniture layout	305	B	28/3/18
Ground floor workshop reflected ceiling plan	402	C	28/3/18
Elevations Elevations(colour)	501 502	D B	28/3/18 28/3/18
Design and Access Statement			
Transport Statement	10322-022-03		11/1/18
Travel Plan	10322-001-03		11/1/18
Geo environmental Appraisal			11/1/18
Drainage Strategy			11/1/18
Noise Impact Assessment			11/1/18
Planning Support Statement			11/1/18
Lighting Plan			11/1/18

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.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

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.**

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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: 24-May-2018

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

http://www.kirklees.gov.uk/business/planning/planning.asp

If a paper copy of the decided plan is required please email:

planning.contactcentre@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Planning, Strategic Investment Service,
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR
