KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2018/44/90499/W
Site Address:	Leeds Road Retail Park, Leeds Road, Huddersfield, HD1 6PF
Description:	Discharge condition 7 (ventilation), 10 (plant equipment) and 15 (flood warning) on previous persmission 2016/92385 for variation of condition 2 (plans and specifications) on previous permission 2013/93415 for erection of Burger King restaurant with drive-thru service, car parking and associated development (Use Class A3/A5)
Recommending Officer:	John Ritchie

DECISION – Details for conditions 7 and 15 acceptable

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: 10-Jun-2019

2018/90499 - Officer Report

This application relates to planning permission for the erection of a fast food restaurant with drive-thru and car parking at Leeds Road Retail Park, Leeds Road, Huddersfield – 2016/92385. This permission was issued as a variation of plans on a previous permission 2013/93415. The application seeks to discharge conditions as follows. An extension of time to Thursday 13th June has been agreed.

7. The use 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 restaurant/takeaway is in use and maintained in accordance with the manufacturer's instructions.
Reason: *In the interests of visual and residential amenity and to accord with Policies BE1 and D2 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.*

10. A detailed specification of the plant equipment which will serve the development shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into use. The plant equipment shall be installed in accordance with the approved details and thereafter retained.
Reason: *In the interests of residential amenity and to accord with Policies BE1, D2 and EP4 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.*

Assessment
It is noted that similar conditions were imposed on an alternative site for this use immediately adjacent – 2016/92574. Details were submitted to discharge the conditions under application 2018/90498 and agreed on 29th March 2018. This development was not built as the current site was chosen.

Conditions 7 & 10 were imposed at the recommendation of the Environmental Health Officer. The EHO was initially concerned that no information was submitted on noise and its impact on noise sensitive premises. This was received but did not include background noise information. The agent stated that further information was to be submitted but none has been received.

The EHO confirms that the required information has not been received but that noise complaints have not been received. The building has been in operation for approximately 12 months.

The EHO does not consider that enforcement action is expedient and would not object to the condition being discharged.

15. Development shall not be brought into use until a scheme detailing the provision of a flood warning system, arrangements for emergency access to the site and egress from the site to a place of safety (evacuation plans) for the construction and post development phases have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how staff/customers are to be informed of the procedures to follow in the event of receiving a flood warning or in the event of a flood. The evacuation plans shall be implemented in accordance with the approved details prior to work commencing on site (for the construction phase) and prior to the occupation of the development (for the future occupants) and thereafter be retained.
Reason: *To mitigate the risk from the impacts of flooding in the interests of safety and to accord with the National Planning Policy Framework.*

Assessment

This condition was imposed at the request of the Lead Local Flood Authority (LLFA). A detailed Flood Evacuation Plan has been submitted which includes a flood evacuation route. This is considered satisfactory for the purposes of the condition.

Decision text

Condition 7 (Extract ventilation) & Condition 10 (plant equipment)

The information received on 14th February 2018 as detailed in your letter dated 8th February 2018, reference 2016/040 is considered suitable but lacks information relating to noise data and noise levels at the nearest noise sensitive premises. In addition there are no details of the refrigeration pipework shown on the plan or what it serves nor are air conditioning units shown in the submitted plans.

It is however, noted that the business has been operating for approximately twelve months with no complaints being received by this Council. It is also noted that similar conditions were imposed on planning permission reference 2016/92574 issued to your client. Whilst that application was not implemented the details agreed are satisfactory for the current proposal.

In such circumstances the submitted information is satisfactory for the purposes of the planning condition subject to the limitations outlined above. Such discharge does not prejudice any future action by the Council's Environmental Health Officers should complaints be received in the future.

Condition 15 (Flood Warning)

You have submitted a Flood Evacuation Plan dated 1st February 2018 reference HYD308_LEEDS.ROAD.RETAIL.PARK.FEP by Betts Hydro Consulting Engineers. This is acceptable for the purposes of condition 15 and the agreed measures are required to be retained throughout the lifetime of the approved development.

Report Dated: 10th June 2019